

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

August 5, 2022

Lyle W. Cayce  
Clerk

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No. 21-11275  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

JOHN CHRISTOPHER WARE,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:15-CR-494-2

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Before JOLLY, OLDHAM, and WILSON, *Circuit Judges.*

PER CURIAM:\*

John Christopher Ware, federal prisoner # 97441-379, appeals the denial of his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A), which was based on his contention that his age and medical conditions, including obesity, Type 2 diabetes, renal tubulointerstitial

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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disease, uncontrolled hypertension, and cerebrovascular disease, combined with the COVID-19 pandemic, constituted extraordinary and compelling reasons warranting early release.

We review the denial of a motion for compassionate release for an abuse of discretion. *See United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020). Contrary to Ware's contention, there is no indication that the district court felt constrained by U.S.S.G. § 1B1.13, p.s., and its commentary. Rather, the district court permissibly considered § 1B1.13 in its independent assessment of whether prison conditions and Ware's age and particular medical conditions were sufficiently compelling and extraordinary to entitle him to relief. *See United States v. Thompson*, 984 F.3d 431, 433-35 (5th Cir.), *cert. denied*, 141 S. Ct. 2688 (2021); *see also United States v. Rodriguez*, 27 F.4th 1097, 1099-1101 & n.2 (5th Cir. 2022). Additionally, when Ware filed his motion, 74 percent of his sentence remained to be served.

Accordingly, Ware has failed to show that the district court abused its discretion in denying his motion for compassionate release. *See Rodriguez*, 27 F.4th at 1100-01; *Thompson*, 984 F.3d at 433-35; *Chambliss*, 948 F.3d at 693. The judgment of the district court is AFFIRMED.