

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 24, 2022

Lyle W. Cayce
Clerk

No. 21-20139
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

PEDRO MORENO,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:95-CR-142-3

Before HIGGINBOTHAM, HIGGINSON, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Pedro Moreno, federal prisoner # 41498-079, appeals the denial of his pro se motion for compassionate release under the First Step Act. *See* 18 U.S.C. § 3582(c)(1)(A). The district court denied the motion without the benefit of intervening Fifth Circuit authority in *United States v. Shkambi*, 993

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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F.3d 388 (5th Cir. 2021). In particular, the court did not consider whether the circumstances of Moreno's offense, his rehabilitative efforts, and post-sentencing changes in the law constituted extraordinary and compelling circumstances warranting release under that subsection. Therefore, we VACATE the district court's judgment and REMAND for further consideration in light of *Shkambi*. We express no opinion on the merits of Moreno's claims for compassionate release.