

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 15, 2022

Lyle W. Cayce
Clerk

No. 21-40031
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOSE ALBERTO MEZA,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:98-CR-47-11

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

PER CURIAM:*

Jose Alberto Meza, federal prisoner # 07094-078, appeals the denial of his 18 U.S.C. § 3582(c)(1)(A)(i) motion for compassionate release. The district court denied relief based upon Meza's failure to show that extraordinary and compelling reasons warranted relief, and we review that

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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denial for an abuse of discretion. *See United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020).

Despite that Meza suffers from hypertension, diabetes, high cholesterol, and severe obesity, the district court permissibly denied relief on the grounds that these conditions were sufficiently managed, Meza was fully vaccinated, and he was housed in a facility with no active COVID-19 infections among inmates. *See United States v. Rodriguez*, 27 F.4th 1097, 1100-01 (5th Cir. 2022); *United States v. Thompson*, 984 F.3d 431, 433-35 (5th Cir.), *cert. denied*, 141 S. Ct. 2688 (2021). Meza's assertions challenging the district court's reasoning and the Government's arguments on appeal are insufficiently briefed to warrant consideration. *See United States v. Scroggins*, 599 F.3d 433, 446-47 (5th Cir. 2010); *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993). To the extent that Meza seeks to incorporate by reference arguments that he previously made in his district-court pleadings, he may not do so. *See United States v. Abdo*, 733 F.3d 562, 568 (5th Cir. 2013). Given its determination that Meza failed to show extraordinary and compelling reasons, the district court was not required to consider the 18 U.S.C. § 3553(a) factors. *See Rodriguez*, 27 F.4th at 1099-1101; *Thompson*, 984 F.3d at 433-35.

AFFIRMED.