

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

September 8, 2022

Lyle W. Cayce  
Clerk

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No. 21-40347  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

HEBER CENTENO,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 4:14-CR-81-10

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Before SMITH, DENNIS, and SOUTHWICK, *Circuit Judges.*

PER CURIAM:\*

Heber Centeno, federal prisoner # 65426-179, 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 harsh prison conditions; his obesity, hypertension, and depression, which put him at greater risk of hospitalization

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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and death from COVID-19; and his lengthy sentence were extraordinary and compelling reasons warranting early release.

We decline to reach the Government's argument that Centeno failed to exhaust his administrative remedies given that the Government did not appeal the district court's order finding that exhaustion was satisfied. *See Greenlaw v. United States*, 554 U.S. 237, 244-45 (2008); *United States v. Ibarra-Luna*, 628 F.3d 712, 715 & n.16 (5th Cir. 2010).

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 Centeno's contention, the district court did not misapply the relevant factors when it denied relief, given that it considered his age and that his current health conditions were being managed by Centeno and the Bureau of Prisons. *See United States v. Rodriguez*, 27 F.4th 1097, 1099-1101 & n.2 (5th Cir. 2022); *United States v. Thompson*, 984 F.3d 431, 433-35 (5th Cir.), *cert. denied*, 141 S. Ct. 2688 (2021).

Accordingly, Centeno 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.