

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 26, 2022

Lyle W. Cayce
Clerk

No. 21-60674
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOHN WILLIE JOHNSON,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:01-CR-167-1

Before WIENER, DENNIS, and HAYNES, *Circuit Judges.*

PER CURIAM:*

John Willie Johnson, federal prisoner # 03945-043, appeals the denial of his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A). The Government moves to remand this case for the district court to reexamine whether Johnson alleged extraordinary and compelling

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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circumstances, given this court's ruling in *United States v. Shkambi*, 993 F.3d 388, 392-93 (5th Cir. 2021), that a district court is not bound by the policy statement in U.S.S.G. § 1B1.13 if a prisoner moves for compassionate release. Johnson does not object to this motion.

Accordingly, the Government's motion is GRANTED, the ruling of the district court is VACATED, and the case is REMANDED for further proceedings in light of *Shkambi*. See *United States v. Jackson*, 27 F.4th 1088, 1091-93 (5th Cir. 2022). We express no opinion about the merits of Johnson's request for compassionate release.