

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 22, 2023

Lyle W. Cayce
Clerk

No. 23-40025
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

AGUSTO LAZO-AGUIRRE,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 3:16-CR-15-1

Before HIGGINBOTHAM, GRAVES, and HO, *Circuit Judges.*

PER CURIAM:*

Agusto Lazo-Aguirre, federal prisoner # 15209-002, appeals the denial of his 18 U.S.C. § 3582(c)(1)(A)(i) motion for compassionate release. He argues that he has shown extraordinary and compelling reasons warranting relief, given that he suffers from numerous medical conditions that could result in severe illness or death if he were to contract COVID-19

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 23-40025

and given that his parents are suffering from chronic health conditions requiring his assistance as a caretaker. In addition, Lazo-Aguirre maintains that this court has no basis to review the denial of relief because the district court failed to consider whether he was entitled to release pursuant to the 18 U.S.C. § 3553(a) factors. Although in the district court Lazo-Aguirre alleged that the proliferation of black mold in the prison constituted an extraordinary and compelling reason for release, he does not repeat that argument before this court, and it is deemed abandoned. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993).

We review the district court's denial for an abuse of discretion. *See United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020). Lazo-Aguirre has not shown that the district court abused its discretion in finding that there were no extraordinary and compelling circumstances warranting relief. *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. 2021). As the district court concluded that Lazo-Aguirre failed to show extraordinary and compelling circumstances, it was not necessary for the court to address the § 3553(a) factors. *See United States v. Jackson*, 27 F.4th 1088, 1093 n.8 (5th Cir. 2022).

Accordingly, the judgment of the district court is AFFIRMED.