

United States Court of Appeals for the Fifth Circuit

No. 23-50057
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 20, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JUAN ROBERTO GUMBS,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:15-CR-245-1

Before JONES, HAYNES, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

Juan Roberto Gumbs, federal prisoner # 61224-280, appeals the denial of his motion for compassionate release, filed pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). We review the denial of a motion for compassionate release for abuse of discretion. *United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020).

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

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Gumbs argues that his guidelines offense level was improperly enhanced based on his use of a dangerous weapon under U.S.S.G. § 2D1.1(b)(1) because his possession of a firearm resulted in both the § 2D1.1(b)(1) enhancement and his conviction of possession of a firearm by a convicted felon. Additionally, he contends that when the district court denied his motion for compassionate release, it failed to consider this issue or explain its reasoning for rejecting it.

Based on the district court's statement that it had considered Gumbs's motion, we may infer that the district court considered and rejected the arguments that Gumbs raised in his motion. *See United States v. Escajeda*, 58 F.4th 184, 188 (5th Cir. 2023); *Concepcion v. United States*, 142 S. Ct. 2389, 2405 (2022). Moreover, although Gumbs challenges the district court's enhancement of his sentence under § 2D1.1(b)(1) in light of his conviction as a felon in possession of a firearm, this argument is not cognizable under § 3582(c). *See Escajeda*, 58 F.4th at 187-88.

In light of the foregoing, Gumbs has not shown that the district court abused its discretion by denying relief under § 3583(c)(1)(A)(i). *See Chambliss*, 948 F.3d at 693.

AFFIRMED.