

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

July 27, 2022

Lyle W. Cayce
Clerk

No. 21-50310

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

GABRIEL PEREZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:07-CR-119-4

Before RICHMAN, *Chief Judge*, and HIGGINBOTHAM and ELROD,
Circuit Judges.

PER CURIAM:*

Gabriel Perez filed a motion for a reduced sentence under § 404 of the First Step Act of 2018. The district court denied his motion but referenced inapplicable policy statements which left the grounds for its decision unclear.

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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Perez appealed. We ordered a remand to the district court for the limited purpose of allowing the court to enter reasons for denying Perez’s motion.¹

The district court again entered an order denying Perez’s motion, clarifying that its previous reference to “the applicable policy statements issued by the Sentencing Guidelines” was inadvertent. The district court detailed its reasons for denying Perez’s motion and also affirmatively stated that it “consider[ed] the applicable factors provided in Section 404 of the First Step Act and 18 U.S.C. § 3553(a)” in reaching its decision. This is a sufficient explanation for the denial.²

AFFIRMED.

¹ *United States v. Perez*, 27 F.4th 1101, 1104-05 (5th Cir. 2022).

² See *United States v. Batiste*, 980 F.3d 466, 479 (5th Cir. 2020); *United States v. Abdul-Ali*, 19 F.4th 835, 838 (5th Cir. 2021); see also *Chavez-Meza v. United States*, ___ U.S. ___, 138 S. Ct. 1959, 1967-68 (2018).