

United States Court of Appeals for the Fifth Circuit

No. 24-10241
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
December 11, 2024
Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CHRISTOPHER KALEJAIYE AJAYI,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:20-CR-290-6

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

PER CURIAM:*

Christopher Kalejaiye Ajayi, federal prisoner # 09833-509, appeals the denial of his 18 U.S.C. § 3582(c)(1)(A)(i) motion for compassionate release. We review the denial for an abuse of discretion. *See United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020). We will not address Ajayi's argument, raised for the first time on appeal, that he is entitled to relief under

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

§ 3582(c)(2) and Amendment 821 to the Sentencing Guidelines. *See United States v. Thompson*, 984 F.3d 431, 432 n.1 (5th Cir. 2021).

As the district court correctly determined, neither Ajayi's challenge to his convictions based on *Ruan v. United States*, 597 U.S. 450 (2022), nor his challenge to his sentencing range constitute an extraordinary and compelling reason for granting compassionate release. *See United States v. Escajeda*, 58 F.4th 184, 187 (5th Cir. 2023). Further, since Ajayi was sentenced in 2021, after the effective date of the First Step Act of 2018 ("FSA"), *see United States v. Gomez*, 960 F.3d 173, 177 (5th Cir. 2020), there is no factual basis for his contention that he is entitled to relief based on the disparity between his sentence and those of defendants sentenced under the FSA. In addition, although the district court did not consider Ajayi's health conditions,[†] we may affirm on "any basis supported by the record." *United States v. Gonzalez*, 849 F. App'x 116, 117 (5th Cir. 2021) (per curiam). The specific health conditions Ajayi raises on appeal were not mentioned in his request to the warden for compassionate release, so Ajayi did not exhaust his claim as to those medical conditions. *See id.* Finally, to the extent Ajayi disagrees with the district court by generally asserting that the 18 U.S.C. § 3553(a) factors weigh in his favor, he fails to show an abuse of discretion. *See Chambliss*, 948 F.3d at 694.

AFFIRMED.

[†] This is understandable, as Ajayi cursorily and generically raised them before the district court only in his motion to reconsider.