

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 15, 2021

Lyle W. Cayce
Clerk

No. 19-51037
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOHN COCKERHAM,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:07-CR-511-1

Before HIGGINBOTHAM, HIGGINSON, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

John Cockerham, federal prisoner # 97305-180, appeals the district court's denial of his 18 U.S.C. § 3582(c)(1)(A) motion for compassionate release. In their respective briefs, the parties disagree as to whether Cockerham has established an extraordinary and compelling reason

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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warranting his release under U.S.S.G. § 1B1.13 (p.s.) and the commentary thereto. We recently determined, however, that district courts considering § 3582(c)(1)(A) motions filed by prisoners are not bound by § 1B1.13 or its commentary. *See United States v. Shkambi*, 993 F.3d 388, 392-93 (5th Cir. 2021).

In its denial order, the district court indicated that it had considered Cockerham's motion for compassionate release, the Government's response, and the entire record; however, the district court failed to provide reasons for denying the motion. Although the district court's ruling is reviewed under an abuse of discretion standard, meaningful review is possible only with a statement of reasons for the denial. *See United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020).

Accordingly, we REMAND for the limited purpose of allowing the district court to explain its reasons for the denial of the motion for compassionate release. This court retains jurisdiction, as is customary for limited remands. *See, e.g., United States v. Gomez*, 905 F.3d 347, 354-56 (5th Cir. 2018). Upon entry of the district court's explanation of its reasons for denying the motion, this case shall be returned to this court, and the parties will be allowed an opportunity for supplemental briefing.