

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

June 21, 2021

Lyle W. Cayce  
Clerk

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No. 20-10669  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

FREDDY LEE FOOTS,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:07-CR-285-1

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Before JOLLY, ELROD, and GRAVES, *Circuit Judges.*

PER CURIAM:\*

Freddy Lee Foots, federal prisoner # 14481-119, appeals the denial of his motion for compassionate release under the First Step Act. *See* 18 U.S.C. § 3582(c)(1)(A)(i). The district court denied Foots's motion without the

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-10669

benefit of intervening Fifth Circuit authority.<sup>1</sup> Therefore, we VACATE the district court's order and REMAND for further consideration in light of *United States v. Shkambi*, 993 F.3d 388 (5th Cir. 2021). Foots's motion for appointment of counsel on appeal is DENIED AS MOOT.

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<sup>1</sup> The district court also denied the motion for lack of exhaustion of administrative remedies. On appeal, the government acknowledges that Foots did in fact exhaust administrative remedies.