

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

November 2, 2021

Lyle W. Cayce  
Clerk

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No. 20-11160

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

JAMES R. MARKWITH,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:20-CV-1206

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Before STEWART, HAYNES, and GRAVES, *Circuit Judges.*

PER CURIAM:\*

James Markwith 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 Markwith's motion without the benefit of intervening Fifth Circuit authority. We therefore VACATE the district court's order

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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and REMAND for further consideration in light of *United States v. Shkambi*,  
993 F.3d 388 (5th Cir. 2021).