

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 13, 2021

Lyle W. Cayce
Clerk

No. 20-40850
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

LEONEL GARCIA,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:18-CR-1337-1

Before HAYNES, WILLETT, and HO, *Circuit Judges.*

PER CURIAM:*

Leonel Garcia, federal prisoner # 70339-479, was convicted of an alien transportation offense and sentenced to a 36-month prison term and two years of supervised release. He filed a 18 U.S.C. § 3582(c)(1)(A) motion for a compassionate release sentence reduction, arguing that his underlying

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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medical conditions made him vulnerable to severe illness from COVID-19. The district court denied the motion, finding that Garcia's release would present a danger to the community and that the 18 U.S.C. § 3553(a) factors weighed against release because Garcia had served less than half of his sentence and releasing him would not reflect the seriousness of his offense, promote respect for the law, provide just punishment, deter criminal conduct, or protect the public.

Appealing the denial of his motion, Garcia argues that the district court clearly erred in finding that he would present a danger to the community if released. For this reason, he contends that the district court abused its discretion in denying his motion.

We may affirm the denial of Garcia's motion on any basis supported by the record. *See United States v. Chacon*, 742 F.3d 219, 220 (5th Cir. 2014). Given the nature and circumstances of Garcia's alien transportation offense and that he had served less than half of his sentence, the district court did not abuse its discretion in determining that the § 3553(a) factors weighed against a compassionate release sentence reduction. *See United States v. Thompson*, 984 F.3d 431, 434-35 & n.10 (5th Cir. 2021), *petition for cert. filed* (U.S. Mar. 24, 2021) (20-7832); *United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020).

AFFIRMED.