

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 9, 2022

Lyle W. Cayce
Clerk

No. 20-51004
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MIKE FIDEL ZEPEDA,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:18-CR-216-1

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

PER CURIAM:*

Mike Fidel Zepeda, federal prisoner # 68147-280, appeals the denial of his motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) and the denial of his request for appointment of counsel.

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.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. 20-51004

He also moves for appointment of counsel on appeal and to allow attachment of an addendum to his brief.

We review the denial of compassionate release for an abuse of discretion. *See United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020). The district court was apprised of the parties' arguments regarding the 18 U.S.C. § 3553(a) factors, and we conclude that its assessment of those factors supports the denial of compassionate release; Zepeda's arguments to the contrary fail to demonstrate an abuse of discretion. *See id.* at 693-94. We are not persuaded that appointment of counsel is warranted on appeal, *see Schwander v. Blackburn*, 750 F.2d 494, 502-03 (5th Cir. 1985), or that the district court erred in that respect. Because his proposed addendum contains new information presented for the first time on appeal, we will not consider it. *See United States v. Thompson*, 984 F.3d 431, 432 n.1 (5th Cir.), *cert. denied*, 141 S. Ct. 2688 (2021).

In light of the foregoing, Zepeda's motions are DENIED, and the order of the district court is AFFIRMED.