

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

June 18, 2021

Lyle W. Cayce  
Clerk

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No. 20-51008  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

MARIO GONZALEZ,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:14-CR-292-4

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Before WIENER, SOUTHWICK, and DUNCAN, *Circuit Judges.*

PER CURIAM:\*

Mario Gonzalez, federal prisoner # 61423-018, is serving a 235-month sentence for trafficking in cocaine. He now appeals the district court's denial of his motion for reduction of sentence (commonly known as a motion for compassionate release) under the First Step Act, contending that his kidney

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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disease and history of COVID-19 infection constitute extraordinary and compelling reasons for release. *See* 18 U.S.C. § 3582(c)(1)(A).

We need not decide whether those factors constitute extraordinary and compelling reasons for compassionate release because the district court did not abuse its discretion by denying relief based on Gonzalez's history and characteristics, including his criminal conduct involving large-scale drug trafficking, the amount of his 235-month sentence remaining to be served, and the need to protect the public from further crimes. *See United States v. Chambliss*, 948 F.3d 691, 692-93 (5th Cir. 2020); 18 U.S.C. § 3553(a).

The district court's order is AFFIRMED. Gonzalez's motion for compassionate release, characterized as a motion for extraordinary relief, is DENIED.