

United States Court of Appeals
for the Fifth Circuit

No. 20-61148
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 27, 2021

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

TIFFANY SNODGRASS,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:17-CR-6-1

Before DAVIS, JONES, and ELROD, *Circuit Judges.*

PER CURIAM:*

Tiffany Snodgrass, federal prisoner # 20160-043, filed a motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A). The district court dismissed the motion without prejudice for failure to exhaust administrative remedies. Snodgrass appeals.

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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A § 3582(c)(1)(A) compassionate release motion may be filed by a defendant “after [she] has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons [BOP] to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier.” § 3582(c)(1)(A). The pre-filing administrative exhaustion requirement is not jurisdictional, but it is a mandatory claim-processing rule. *See United States v. Franco*, 973 F.3d 465, 467-68 (5th Cir.), *cert. denied*, 141 S. Ct. 920 (2020). The Government raised the exhaustion rule in the district court. The district court found that Snodgrass admitted that she did not request relief from the BOP. On appeal, Snodgrass does not challenge this finding. The record is undisputed that Snodgrass did not exhaust her administrative remedies before filing the instant motion in the district court.

AFFIRMED.