

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 6, 2022

Lyle W. Cayce
Clerk

No. 21-10453
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JUAN JACKSON,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:88-CR-223-5

Before SOUTHWICK, OLDHAM, and WILSON, *Circuit Judges*.

PER CURIAM:*

Juan Jackson, federal prisoner # 95377-012, appeals the denial of his 18 U.S.C. § 3582(c)(1)(A)(i) motions for compassionate release on the ground that he failed to identify extraordinary and compelling reasons for

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.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. 21-10453

granting relief. We review for an abuse of discretion. *See United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020).

Jackson argues that the district court improperly treated U.S.S.G. § 1B1.13 as binding. *See United States v. Shkambi*, 993 F. 3d 388, 392-93 (5th Cir. 2021). But the district court never stated that it viewed § 1B1.13 as binding. Nor did it improperly rely on the considerations in § 1B1.13 and its commentary in evaluating Jackson’s motion. Instead, it reasonably tied its analysis and conclusions to the text of § 3582(c)(1)(A), finding that Jackson’s motions plainly failed to identify “extraordinary and compelling reasons for compassionate release.” ROA.96. We will not assume without evidence that the court’s denial of Jackson’s motions was based on the incorrect premise that it was bound by § 1B1.13 and its commentary.

AFFIRMED. Motion for compassionate release DENIED.