

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 31, 2022

Lyle W. Cayce
Clerk

No. 21-30284
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ROBERT E. ROBINSON,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 3:18-CR-228-1

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

PER CURIAM:*

Robert E. Robinson, federal prisoner # 20897-035, appeals the denials of his 18 U.S.C. § 3582(c)(1)(A)(i) motion for compassionate release and his subsequent motion for reconsideration. We review each denial for an abuse

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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of discretion. *See United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020); *United States v. Rabhan*, 540 F.3d 344, 346 (5th Cir. 2008).

Under § 3582(c)(1)(A)(i), a district court may modify a defendant’s sentence after it considers the applicable 18 U.S.C. § 3553(a) factors if “extraordinary and compelling reasons warrant such a reduction.” A district court errs if, in considering whether to grant a § 3582(c)(1)(A)(i) motion, it treats the U.S.S.G. § 1B1.13 policy statement as binding. *See United States v. Shkambi*, 993 F.3d 388, 392-93 (5th Cir. 2021).

Although Robinson contends that the district court erroneously believed that it was bound by § 1B1.13, he ignores that the court explicitly recognized the holding in *Shkambi*. *See id.* In any event, even if the district court had improperly considered § 1B1.13 in determining whether Robinson had shown extraordinary and compelling reasons, the court separately determined that Robinson’s release was not warranted under the § 3553(a) factors. *See Chambliss*, 948 F.3d at 693-94. He fails to show an abuse of discretion. *See id.* at 693; *Rabhan*, 540 F.3d at 346.

Robinson’s motion for appointment of counsel is DENIED, and the orders of the district court are AFFIRMED.