

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 3, 2022

Lyle W. Cayce
Clerk

No. 21-30532
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

HARRY SMOOT,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:14-CR-168-1

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

PER CURIAM:*

Harry Smoot, federal prisoner # 33980-034, appeals the district court's denial of his 18 U.S.C. § 3582(c)(1)(A)(i) motion for compassionate release. He has filed an appellate brief as well as a motion for appointment of counsel. Smoot argues that the district court's ruling is in error because he

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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demonstrated that his medical condition and other factors render him eligible for compassionate release.

The district court did not find that Smoot failed to show eligibility for relief under § 3582(c)(1)(A)(i) but rather assumed the opposite. Nevertheless, the court determined that an early release was unwarranted because the 18 U.S.C. § 3553(a) factors weighed against it. Smoot identifies no error in that determination, which was a sufficient basis for the denial of his motion. *See United States v. Chambliss*, 948 F.3d 691, 693-94 (5th Cir. 2020). We therefore AFFIRM the district court's ruling. The interest of justice does not require the appointment of counsel for this appeal, and Smoot's motion to appoint counsel is accordingly DENIED. *See Schwander v. Blackburn*, 750 F.2d 494, 502 (5th Cir. 1985); FIFTH CIRCUIT PLAN UNDER THE CRIMINAL JUSTICE ACT § 3(B).