

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

September 28, 2021

Lyle W. Cayce  
Clerk

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No. 21-50035  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

MARIO ALANIS ALEMAN,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:13-CR-511-1

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Before KING, COSTA, and HO, *Circuit Judges.*

PER CURIAM:\*

Mario Alanis Aleman, federal prisoner # 84561-080, is serving a term of 360 months of imprisonment following his conviction for conspiracy to possess with the intent to distribute a controlled substance. He appeals the

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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district court’s denial of his motion requesting a compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i).

We review for an abuse of discretion, which occurs when a district court “bases its decision on an error of law or a clearly erroneous assessment of the evidence.” *United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020) (internal quotation marks and citation omitted). Because Aleman himself filed the motion in question, the district court was “bound only by § 3582(c)(1)(A)(i) and . . . the sentencing factors in [18 U.S.C.] § 3553(a).” *United States v. Shkambi*, 993 F.3d 388, 393 (5th Cir. 2021).

The district court determined that the § 3553(a) factors weighed against a sentence reduction, and Aleman shows no error in that determination. Although he argues that the court should have obtained a response from the Government before ruling, the statute does not require a response. *See* § 3582(c)(1). Aleman also contends that the district court failed to consider his health issues and other relevant factors. However, the court’s ruling provides “specific factual reasons” for its decision and reflects consideration of Aleman’s motion, the record, and the § 3553(a) factors. *Chambliss*, 948 F.3d at 693. Aleman demonstrates no more than personal disagreement with the district court’s balancing of sentencing factors, which is insufficient to establish an abuse of the court’s discretion. *See id.*

AFFIRMED.