

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 13, 2021

Lyle W. Cayce
Clerk

No. 21-60111
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CHARLES SCHINDLER,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:19-CR-1-1

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

PER CURIAM:*

Charles Schindler, federal prisoner # 22263-017, pled guilty to one count of wire fraud, and the district court imposed a sentence of seventy-two months in prison followed by three years of supervised release. Schindler now challenges the district court's denial of his motion for compassionate

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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release pursuant to 18 U.S.C. § 3582(c)(1)(A), as amended by the First Step Act of 2018, Pub. L. No. 115-391, § 404, 132 Stat. 5194.

The district court concluded that Schindler was not entitled to early release because his medical conditions did not create an extraordinary or compelling circumstance, and implicitly concluded that the 18 U.S.C. § 3553(a) factors did not weigh in his favor. *See United States v. Larry*, 632 F.3d 933, 936 (5th Cir. 2011). Schindler contests those conclusions on appeal, contending that he is entitled to compassionate release under § 3582(c)(1)(A) due to the extraordinary and compelling circumstances COVID-19 poses in a prison setting, particularly in the light of his history of chronic asthma. Schindler has also filed motions to appoint counsel, to expedite the appeal, and for an extension of time to file his brief.

We review the district court's decision to deny a prisoner's motion for compassionate release for an abuse of discretion. *United States v. Chambliss*, 948 F.3d 691, 692–93 (5th Cir. 2020). Here, Schindler has not demonstrated that the district court based its decision on a legal error or on an erroneous assessment of the evidence, or that it failed to consider a factor required by law. *See id.* at 693; *see also United States v. Thompson*, 984 F.3d 431, 433 (5th Cir.), *cert. denied*, 141 S. Ct. 2688 (2021) (Mem.).

Accordingly, the judgment is AFFIRMED. Schindler's motions to appoint counsel and to expedite the appeal are DENIED. His motion for an extension of time to file his brief is DENIED AS MOOT.