

United States Court of Appeals
for the Fifth Circuit

No. 22-30293
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
November 17, 2022

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

RANDY L. RANDALL,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:11-CR-317-8

Before KING, HIGGINSON, and WILLETT, *Circuit Judges.*

PER CURIAM:*

Randy L. Randall, federal prisoner # 15699-035, appeals the district court's denial of his 18 U.S.C. § 3582(c)(1)(A)(i) motion for compassionate release. He contends that because the Government conceded in response to an earlier § 3582(c)(1)(A)(i) motion that his allegations related to COVID-19

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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constituted an extraordinary and compelling circumstance, the district court could not consider the issue. In addition, Randall maintains that because his refusal to take the COVID-19 vaccine was based on a sincerely held religious belief, the district court's reliance on his refusal to deny relief violated his First Amendment rights. Finally, Randall argues that the district court should have taken into account the Custody Classification Form created by the Bureau of Prisons in analyzing the 18 U.S.C. § 3553(a) factors and should not have given weight to his criminal history or his prison disciplinary record.

We review for abuse of discretion. *See United States v. Chambliss*, 948 F.3d 691, 693-94 (5th Cir. 2020). The district court conducted an independent review of the § 3553(a) factors and concluded that Randall was not entitled to relief. Randall has not shown that the district court abused its discretion in this conclusion. *See id.* at 693; *see also Concepcion v. United States*, 142 S. Ct 2389, 2404-05 (2022). Because the district court's independent § 3553(a) analysis supports the dismissal, it is unnecessary to consider Randall's arguments challenging the district court's conclusion that he failed to show extraordinary and compelling reasons warranting relief. *See United States v. Jackson*, 27 F.4th 1088, 1093 & n.8 (5th Cir. 2022); *Ward v. United States*, 11 F.4th 354, 360-62 (5th Cir. 2021). Accordingly, the judgment of the district court is AFFIRMED.