

United States Court of Appeals
for the Fifth Circuit

No. 22-40549
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 11, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ARMANDO BAZAN,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:15-CR-975-1

Before WIENER, ELROD, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Defendant-Appellant Armando Bazan appeals the denial of his motion for compassionate release per 18 U.S.C. § 3582(c)(1)(A)(i). He asserts that his medical conditions—hypertension and heart disease—warrant relief because of an increased likelihood of severe illness from COVID-19. Bazan also asserts that his rehabilitation efforts warrant release, contending that

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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denying him of such relief will create sentencing disparities among Bazan, his codefendants, and other similarly situated defendants.

We review the district court's decision for an abuse of discretion and find none. *See United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020). Bazan has not shown that the district court abused its discretion by finding that there were no extraordinary and compelling circumstances warranting compassionate relief. *See United States v. Rodriguez*, 27 F.4th 1097, 1100-01 (5th Cir. 2022); *United States v. Thompson*, 984 F.3d 431, 433-35 (5th Cir. 2021). The district court considered the record, which contains scant evidence of Bazan's alleged conditions. Bazan also presents no evidence that the current conditions of his facility present any additional risk of COVID-10. *Thompson*, 984 F.3d at 435 ("Fear of COVID doesn't automatically entitle a prisoner to release."). We see no indication that the district court's decision was based on an error of law. *See Rodriguez*, 27 F.4th at 1100-01; *Thompson*, 984 F.3d at 433-35.

The judgment of the district court is AFFIRMED.