

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

December 21, 2021

Lyle W. Cayce
Clerk

No. 21-20359
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

LUIS EMIRO GARCIA,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:16-CR-389-4

Before BARKSDALE, WILLETT, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Luis Emiro Garcia, federal prisoner # 18532-479, was convicted, based on his guilty plea, of: conspiring to possess at least five kilograms of cocaine, with intent to distribute, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), 846; and conspiring to launder monetary instruments, in violation of 18

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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U.S.C. § 1956(a)(2)(A), 1956(h). He was sentenced in January 2019 to, *inter alia*, 97-months' imprisonment. He challenges the denial of his May 2021 compassionate-release motion, contending the district court abused its discretion by conditioning relief on Garcia's demonstrating the facility where he is incarcerated could not manage the COVID-19 pandemic or provide him adequate medical care.

As reflected above, the denial of a compassionate-release motion is reviewed for abuse of discretion. *United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020). A district court may reduce a term of imprisonment if, after considering the applicable 18 U.S.C. § 3553(a) sentencing factors, it concludes "extraordinary and compelling reasons warrant such a reduction". 18 U.S.C. § 3582(c)(1)(A)(i). A court abuses its discretion when its decision is grounded in a legal error or clearly erroneous facts. *Chambliss*, 948 F.3d at 693.

Contrary to Garcia's contention, the court did not condition relief on Garcia's demonstrating his facility was medically incapable of managing COVID-19. Instead, this was but one of numerous factors the court considered. Further, the court's comment concerning the facility's medical capabilities addressed concerns Garcia raised in his motion.

AFFIRMED.