

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

December 29, 2021

Lyle W. Cayce
Clerk

No. 20-20346
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JERAMY JEROME GAGE,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:12-CR-336-1

Before JONES, DUNCAN, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Jeremy Jerome Gage, federal prisoner # 72053-279, appeals from the district court's denial of his 18 U.S.C. § 3582(c)(1)(A)(i) motion requesting a reduction in his sentence based on the danger of COVID-19 in light of his alleged health issues. Gage's motion to stay the appeal is denied.

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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The Government moves to dismiss the appeal because Gage argues that compassionate release is warranted based on specific family circumstances that were not presented to the Bureau of Prisons or to the district court prior to the denial of Gage's reconsideration motion. We may pretermitt the exhaustion issue where, as here, the case can easily be resolved on the merits. *See United States v. Franco*, 973 F.3d 465, 467 (5th Cir.), *cert. denied*, 141 S. Ct. 920 (2020). Thus, we deny the Government's motion to dismiss. We dispense with further briefing as unnecessary and deny the alternative motion to extend the deadline for the appellee's brief. *See United States v. Bailey*, 924 F.3d 1289, 1290 (5th Cir. 2019).

Gage's motion to supplement the record on appeal with a letter from his child's caregiver is denied. *See Theriot v. Parish of Jefferson*, 185 F.3d 477, 491 n.26 (5th Cir. 1999). To the extent that Gage renews the arguments he raised in the district court regarding his prison disciplinary record and a family member's health, he has failed to show that the district court abused its discretion in denying his motion for compassionate release. *See United States v. Thompson*, 984 F.3d 431, 433 (5th Cir.), *cert. denied*, 141 S. Ct. 2688 (2021); *United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020). Accordingly, we affirm the judgment of the district court.

AFFIRMED; MOTIONS DENIED.