

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 18, 2021

Lyle W. Cayce
Clerk

No. 20-51008
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MARIO GONZALEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:14-CR-292-4

Before WIENER, SOUTHWICK, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Mario Gonzalez, federal prisoner # 61423-018, is serving a 235-month sentence for trafficking in cocaine. He now appeals the district court's denial of his motion for reduction of sentence (commonly known as a motion for compassionate release) under the First Step Act, contending that his kidney

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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disease and history of COVID-19 infection constitute extraordinary and compelling reasons for release. *See* 18 U.S.C. § 3582(c)(1)(A).

We need not decide whether those factors constitute extraordinary and compelling reasons for compassionate release because the district court did not abuse its discretion by denying relief based on Gonzalez's history and characteristics, including his criminal conduct involving large-scale drug trafficking, the amount of his 235-month sentence remaining to be served, and the need to protect the public from further crimes. *See United States v. Chambliss*, 948 F.3d 691, 692-93 (5th Cir. 2020); 18 U.S.C. § 3553(a).

The district court's order is AFFIRMED. Gonzalez's motion for compassionate release, characterized as a motion for extraordinary relief, is DENIED.