

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted October 24, 2023*

Decided November 7, 2023

BeforeDAVID F. HAMILTON, *Circuit Judge*MICHAEL Y. SCUDDER, *Circuit Judge*JOHN Z. LEE, *Circuit Judge*

No. 22-2817

UNITED STATES OF AMERICA,
*Plaintiff-Appellee,**v.*PAUL VASQUEZ,
*Defendant-Appellant.*Appeal from the United States District
Court for the Northern District of Illinois,
Eastern Division.

No. 16 CR 463-5

Virginia M. Kendall,
*Judge.***ORDER**

Paul Vasquez, a federal prisoner, appeals the judgment denying his motion for compassionate release. 18 U.S.C. § 3582(c)(1)(A)(i). Because the district court did not

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

abuse its discretion in concluding that Vasquez failed to establish an extraordinary and compelling reason for release, we affirm.

In 2018, Vasquez pleaded guilty to conspiracy to commit racketeering activity, 18 U.S.C. § 1962(d), and conspiracy to engage in the unlawful transfer of a firearm. *Id.* § 371. The district court sentenced him to 176 months in prison and 3 years' supervised release.

Vasquez sought compassionate release in 2022. He asserted that he faced extraordinary conditions warranting release, including his medical conditions (anxiety, hypertension, hyperlipidemia, osteoarthritis of the knees, and type 2 diabetes); the physical harm wrought by having COVID-19 twice without adequate care; and an unstable family situation that, without his help, likely would lead to his orphaned grandson being placed in foster care. As evidence of his rehabilitation, he pointed to his completion of educational programs in prison.

The district court denied Vasquez's motion, determining that his health conditions and family difficulties were not extraordinary and compelling reasons to warrant compassionate release. Vasquez, the court noted, did not show that he needed assistance with medical self-care, that contracting COVID twice compromised his health, or that his grandson had no other potential caregivers. And even if Vasquez could demonstrate extraordinary and compelling circumstances, the court added, the 18 U.S.C. § 3553(a) factors—specifically, the “random and senseless[ly] violent” nature of his offenses and his extensive and brutal criminal history—weighed against release.

On appeal, Vasquez maintains that his health conditions (which, he asserts, are not being adequately addressed in prison) and his family situation are extraordinary and compelling reasons for release. But Vasquez has the burden of proving that these circumstances are sufficiently extraordinary and compelling to warrant release, *see United States v. Barbee*, 25 F.4th 531, 533 (7th Cir. 2022), and the court reasonably concluded that Vasquez did not meet this burden. The court noted there was no evidence Vasquez was the only family member available to care for his grandson, and it highlighted evidence that he could care for his own medical needs. In any event, the court's § 3553(a) analysis provides an independent basis for us to affirm. The court appropriately determined that Vasquez's rehabilitation efforts did not outweigh his violent conduct, and that early release would not advance the purposes of sentencing or meet the goals of the criminal justice system. Either reason is enough to deny compassionate release. *See United States v. Williams*, 65 F.4th 343, 349 (7th Cir. 2023).

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Finally, Vasquez renews his request for counsel. Because counsel is not necessary to resolve the issues Vasquez raises on appeal, we deny this request. *See Pruitt v. Mote*, 503 F.3d 647, 654 (7th Cir. 2007) (en banc).

AFFIRMED