

NOT FOR PUBLICATION

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 26-10158  
Non-Argument Calendar

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UNITED STATES OF AMERICA,

*Plaintiff-Appellee,*

*versus*

JORGE MOJOCOA,

*Defendant-Appellant.*

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Appeal from the United States District Court  
for the Middle District of Florida  
D.C. Docket No. 5:22-cr-00017-GAP-PRL-1

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Before BRANCH, LUCK, and LAGOA, Circuit Judges.

PER CURIAM:

Jorge Mojocoa, proceeding *pro se*, appeals the district court's denial of his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A), arguing that the district court erred by (1) denying

his motion based on a lack of supporting medical records without first giving him an opportunity to supplement the record, and (2) not considering whether the 18 U.S.C. § 3553(a) sentencing factors supported his request for compassionate release. The government moves for summary affirmance, arguing that the district court properly denied the motion because Mojocoa failed to submit the necessary evidence to show that his wife was incapacitated, and he therefore failed to demonstrate a qualifying extraordinary and compelling reason for compassionate release. Mojocoa opposes the motion, arguing that summary affirmance is improper because his appeal is not frivolous and without merit. He reiterates that the district court abused its discretion in denying his motion for compassionate release without giving him an opportunity to supplement the record with the necessary medical evidence.<sup>1</sup> After review, we grant the government's motion.

### **I. Background**

In 2023, a jury convicted Mojocoa of attempted enticement of a minor to engage in sexual activity, in violation of 18 U.S.C. § 2422(b). The district court imposed a sentence of 121 months' imprisonment.

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<sup>1</sup> Mojocoa attaches newly obtained medical records to his response. We do not consider this evidence as it was not before the district court. *See Selman v. Cobb Cnty. Sch. Dist.*, 449 F.3d 1320, 1332 (11th Cir. 2006) ("In deciding issues on appeal we consider only evidence that was part of the record before the district court.").

26-10158

Opinion of the Court

3

In March 2025, Mojocoa filed a *pro se* motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). Mojocoa argued that his wife was a severely medically compromised individual suffering from hypertension, atrial fibrillation, congestive heart failure, chronic obstructive pulmonary disease, chronic back pain, and anxiety and depression. Mojocoa stated that his wife's pain "impede[d] her ability to conduct normal daily activities," and that she had been receiving assistance from her parents since Mojocoa's incarceration. However, her mother had since passed away and her father was not able to provide continuing care, which meant that there was no one left to attend to her daily needs. Accordingly, Mojocoa maintained that he was the only available caregiver for his wife, and thus he had demonstrated an extraordinary and compelling reason for compassionate release based on his wife's incapacitation. In support of his motion, he attached (1) medical records indicating that his wife had been diagnosed with anxiety, asthma, back pain, chronic obstructive pulmonary disease, depression, hypertension, hypertensive heart disease with heart failure, congestive heart failure, and sleep apnea; and (2) a letter from his wife indicating that she had multiple illnesses, she was caring for herself and her father and they could not afford to bring someone in to the home to help provide care, and she was once hospitalized after taking the wrong medications together.

Following the government's response and Mojocoa's reply, the district court ultimately denied the motion, finding that Mojocoa failed to prove that his wife was incapacitated. The court

acknowledged that, while the medical records established that Mojocoa's wife suffered from a number of serious medical conditions and had difficulties with self-care, the evidence did not show that she was incapacitated and completely unable to care for herself. The district court explained that, if Mojocoa's wife's condition deteriorated to the point where she became incapacitated, Mojocoa should file a renewed motion with supporting evidence.

Mojocoa filed the instant renewed motion for compassionate release in December 2025. He reiterated the same grounds for compassionate release and provided "a list of contact information" for three of his wife's doctors and invited the court to contact them to verify his wife's conditions. He maintained that this contact list was "the only available documentation he [was] able to provide; as the doctors cannot share her medical records due to the HIPPA Act."

The district court denied the motion without prejudice because Mojocoa had "fail[ed] to provide updated medical records or other documentation to provide his wife has diagnoses of multiple ailments and an inability to care for herself." The district court acknowledged that he had provided contact information for her doctors, but explained that the court could not contact his wife's doctors to verify his claims, and that Mojocoa bore the burden of producing any relevant medical records. The court explained that if Mojocoa was able to obtain the necessary

26-10158

Opinion of the Court

5

supporting evidence, he could file a renewed motion for compassionate release. This appeal followed.

## II. Discussion

Mojocoa argues that the district court abused its discretion by denying his motion based on a lack of supporting medical records without allowing him an opportunity to first supplement the record, and without considering whether the § 3553(a) factors supported his request. The government in turn moves for summary affirmance.

Summary disposition is appropriate where “the position of one of the parties is clearly right as a matter of law so that there can be no substantial question as to the outcome of the case, or where, as is more frequently the case, the appeal is frivolous.” *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).<sup>2</sup>

We review *de novo* whether a defendant is eligible for a § 3582(c) sentence reduction. *United States v. Bryant*, 996 F.3d 1243, 1251 (11th Cir. 2021). “After eligibility is established, we review a district court's denial of a prisoner's § 3582(c)(1)(A) motion for abuse of discretion.” *United States v. Giron*, 15 F.4th 1343, 1345 (11th Cir. 2021).

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<sup>2</sup> *Bonner v. City of Prichard*, 661 F.2d 1206, 1207 (11th Cir. 1981) (*en banc*) (holding that all decisions from the Fifth Circuit Court of Appeals issued before the close of business on September 30, 1981, are “binding as precedent in the Eleventh Circuit”).

Generally, a court “may not modify a term of imprisonment once it has been imposed.” 18 U.S.C. § 3582(c). Section 3582(c)(1)(A), however, provides the following limited exception:

the court, upon motion of the Director of the Bureau of Prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative rights . . . may reduce the term of imprisonment . . . after considering the factors set forth in [18 U.S.C. §] 3553(a) to the extent that they are applicable, if it finds that . . . extraordinary and compelling reasons warrant such a reduction . . . and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.

18 U.S.C. § 3582(c)(1)(A). In other words, under § 3582(c)(1)(A), the district court may reduce a movant’s sentence if (1) there are qualifying “extraordinary and compelling” reasons for doing so, (2) the factors listed in 18 U.S.C. § 3553(a) favor doing so, and (3) doing so is consistent with the policy statements issued by the Sentencing Commission. *United States v. Tinker*, 14 F.4th 1234, 1237 (11th Cir. 2021). The defendant bears the burden of establishing an entitlement to relief. *See Giron*, 15 F.4th at 1346.

Congress delegated the task of defining what qualifies as an extraordinary and compelling reason for purposes of § 3582(c)(1) to the Sentencing Commission. *See* 28 U.S.C. § 994(t). The Sentencing Commission, in turn, has designated certain family circumstances, including “[t]he incapacitation of the defendant’s

26-10158

Opinion of the Court

7

spouse or registered partner when the defendant would be the only available caregiver for the spouse or registered partner,” as a qualifying extraordinary and compelling reason for compassionate release. U.S.S.G. § 1B1.13(b)(3)(B).

Here, summary disposition is warranted because the government’s position “is clearly right as a matter of law so that there can be no substantial question as to the outcome of the case.” *See Groendyke Transp., Inc.*, 406 F.2d at 1162. Mojocoa failed to submit any new evidence supporting his claim that his wife was incapacitated. Instead, he merely invited the court to contact his wife’s physicians directly to verify his claim that his wife was incapacitated. This information was insufficient to establish that Mojocoa’s wife was incapacitated within the meaning of U.S.S.G. § 1B1.13(b)(3). Accordingly, the district court did not err in denying the motion because Mojocoa failed to establish his eligibility. *Rutherford v. United States*, 608 U.S. 454, 146 S. Ct. 1320, 1333 (2026) (explaining that a court must first ensure that a prisoner is “eligible for such a reduction” and “whether a prisoner is eligible depends on whether he can offer extraordinary and compelling reasons that warrant compassionate release” (quotations omitted); *see also Giron*, 15 F.4th at 1347–48 (explaining that if the court finds against the movant on any one of § 3582(c)(1)(A)’s requirements, it cannot grant relief, and need not analyze the other requirements).

Although Mojocoa faults the district court for denying his motion without first giving him an opportunity to supplement the record with supporting medical records, there was no reason for

the district court to give him an opportunity to supplement the record because the court had already explained in its order denying his March 2025 motion that the medical records Mojocoa had provided were insufficient to establish incapacitation and that additional evidence was necessary. And in his subsequent December 2025 motion for compassionate release, Mojocoa made clear that a request for supplemental medical records would have been unavailing because he affirmatively stated that the only additional evidence he was able to provide was the physician contact list “as the doctors [could not] share [his wife’s] medical records due to the HIPPA Act.” Thus, the district court did not err in ruling on the motion without first requesting that he supplement the record. Moreover, we note that the district court denied the motion without prejudice, which is generally not an abuse of discretion because Mojocoa can simply refile a new motion and present any additional supporting medical evidence that he may have obtained. *See Dynes v. Army Air Force Exchange Serv.*, 720 F.2d 1495, 1499 (11th Cir. 1983) (noting that generally a dismissal without prejudice is not an abuse of discretion because a party may simply re-file).

Finally, the district court did not err or otherwise abuse its discretion by failing to address whether the § 3553(a) factors supported Mojocoa’s request. It is well-established that if the court finds against the movant on any one of § 3582(c)(1)(A)’s requirements, it cannot grant relief, and need not analyze the other requirements. *Giron*, 15 F.4th at 1347–48. Mojocoa failed to establish a qualifying extraordinary and compelling reason, which

26-10158

Opinion of the Court

9

meant that he was ineligible for compassionate release, and the district court did not need to analyze whether the § 3553(a) factors supported his request. *Id.*; *see also Rutherford*, 146 S. Ct. at 1333 (“Before determining the extent of a reduction based on the § 3553(a) factors, a court must first ensure that a movant is part of the limited class of prisoners who are eligible for such a reduction.” (alteration adopted) (quotations omitted)).

Accordingly, we **GRANT** the government’s motion for summary affirmance.