

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-7111

UNITED STATES OF AMERICA,

Plaintiff – Appellee,

v.

CORNELIUS MAURICE JACKSON, a/k/a Buddy Love, a/k/a Buddy,

Defendant – Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt.
Deborah K. Chasanow, Senior District Judge. (8:14-cr-00230-DKC-2)

Argued: March 9, 2022

Decided: July 5, 2022

Before GREGORY, Chief Judge, NIEMEYER, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

ARGUED: Sapna Mirchandani, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Greenbelt, Maryland, for Appellant. Dwight John Draughon, Jr., OFFICE OF THE UNITED STATES ATTORNEY, Greenbelt, Maryland, for Appellee. **ON BRIEF:** James Wyda, Federal Public Defender, Shari Silver Derrow, Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Baltimore, Maryland, for Appellant. Erek L. Barron, United States Attorney, Baltimore, Maryland, Kelly O. Hayes, Assistant United States Attorney, Kristi N. O'Malley, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Greenbelt, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Cornelius Maurice Jackson appeals the district court's denial of his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A). Finding no abuse of discretion, we affirm.

In order to grant a motion for compassionate release, a district court must find that (i) extraordinary and compelling reasons warrant a sentence reduction, and (ii) a sentence reduction is justified under the relevant 18 U.S.C. § 3553(a) sentencing factors. 18 U.S.C. § 3582(c)(1)(A)(i). We review for abuse of discretion the district court's denial of a compassionate release motion. *United States v. Kibble*, 992 F.3d 326, 329 (4th Cir.), *cert. denied*, 142 S. Ct. 383 (2021). "A district court abuses its discretion when it acts arbitrarily or irrationally, fails to consider judicially recognized factors constraining its exercise of discretion, relies on erroneous factual or legal premises, or commits an error of law." *United States v. Jenkins*, 22 F.4th 162, 167 (4th Cir. 2021) (internal quotation marks omitted).

In 2015, Jackson pleaded guilty to conspiring to distribute and possessing with intent to distribute 28 grams or more of cocaine base, in violation of 21 U.S.C. § 846. The district court designated him as a career offender because he had two prior qualifying drug convictions, thereby increasing his advisory Sentencing Guidelines range from 100 to 125 months' imprisonment to 188 to 235 months' imprisonment. The court thereafter imposed a below-the-Guidelines-range sentence of 132 months' imprisonment.

In his motion for compassionate release, Jackson argued that underlying medical conditions make him susceptible to severe illness from COVID-19, which constituted an extraordinary and compelling reason to reduce his sentence. Jackson argued that the

district court, in determining whether the § 3553(a) factors warrant a sentence reduction, should credit the fact that, now, he would not be sentenced as a career offender and, thus, his Guidelines range would be lower. *See United States v. Norman*, 935 F.3d 232, 239 (4th Cir. 2019) (holding that a drug conspiracy conviction under 21 U.S.C. § 846 is not categorically a “controlled substance offense,” as required by U.S.S.G. § B1.2(b)). The district court assumed that Jackson established an extraordinary and compelling reason for relief based on his medical vulnerabilities, but ultimately concluded that the § 3553(a) factors weighed against reducing his sentence. In so concluding, the district court cited to Jackson’s underlying criminal conduct and his prison disciplinary record, as well as “many of the same factors at the time of sentencing in determining that the 132-month sentence was appropriate.” J.A. 34-35.

On appeal, Jackson argues that the district court should have recalculated his Guidelines range in light of *Norman* in considering whether the § 3553(a) factors warrant a sentence reduction. He asks that this Court vacate the district court’s order, and remand with instructions that the district court recalculate his sentence as a non-career offender, and reconsider whether the relevant § 3553(a) factors warrant a reduction in his sentence.

Turning to Jackson’s argument, in *United States v. Chambers*, we held that district courts *must* recalculate Guidelines when deciding motions brought under Section 404 of the First Step Act of 2018. 956 F.3d 667, 672–74 (4th Cir. 2020).^{*} But Jackson brought a

^{*} 18 U.S.C. § 3582(c) provides several ways for individuals to challenge otherwise final criminal sentences. Compassionate release motions are brought under § 3582(c)(1)(A), which permits a district court to “reduce the term of imprisonment” if it (Continued)

compassionate release motion—not a Section 404 motion—and “*Chambers* has not been extended to the compassionate release context.” *United States v. Thomas*, No. 21-7518, 2022 WL 1011933, at *1 (4th Cir. Apr. 5, 2022) (per curiam) (citing *Chavez-Meza v. United States*, 138 S. Ct. 1959, 1967 (2018)). Thus, the district court did not abuse its discretion in not modifying Jackson’s sentence, and finding that the § 3553(a) factors did not warrant a sentence reduction.

Accordingly, we affirm the district court’s order.

AFFIRMED

finds that “extraordinary and compelling reasons warrant such a reduction.” Section 404 motions are brought under § 3582(c)(1)(B), which allows district courts to “modify an imposed term of imprisonment to the extent otherwise expressly permitted by statute or by Rule 35 of the Federal Rules of Criminal Procedure.”