

**UNPUBLISHED**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 22-6764**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LARRY RAY WARD, a/k/a Red,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Dever, III, District Judge. (5:11-cr-00286-D-1)

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Submitted: February 17, 2023

Decided: February 24, 2023

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Before AGEE and WYNN, Circuit Judges, and KEENAN, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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**ON BRIEF:** G. Alan Dubois, Federal Public Defender, Eric Joseph Brignac, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Raleigh, North Carolina, for Appellant. Michael F. Easley, Jr., United States Attorney, Neal I. Fowler, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Larry Ray Ward appeals the district court's order denying his 18 U.S.C. § 3582(c)(1)(A)(i) motion for compassionate release. After review of the record, we conclude that the district court did not abuse its discretion in determining that such release was not warranted in light of relevant 18 U.S.C. § 3553(a) factors after balancing those factors against Ward's health conditions, his age, a post-sentencing change in the law affecting the career offender classification under the Sentencing Guidelines, Ward's release plan, his post-sentencing rehabilitation efforts and conduct in prison, his exposure to COVID-19 and risk of a severe outcome, and steps taken in the Bureau of Prisons to address the disease. *See United States v. Bethea*, 54 F.4th 826, 831, 834 (4th Cir. 2022) (noting standard of review, conclusions district court must draw to grant motion, and guideposts for determining whether court has abused its discretion in considering 18 U.S.C. § 3553(a) factors). Ward's appellate arguments challenging the district court's denial decision as insufficiently explained and substantively unreasonable and challenging the district court's weighing of the factors before it are without merit. Accordingly, we affirm the court's order. *United States v. Ward*, No. 5:11-cr-00286-D-1 (E.D.N.C. June 28, 2022). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*AFFIRMED*