

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-7143

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BARKLEY GARDNER, a/k/a Big Black,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at New Bern. James C. Dever III, District Judge. (4:95-cr-00041-D-8)

Submitted: February 28, 2023

Decided: April 3, 2023

Before DIAZ and THACKER, Circuit Judges, and FLOYD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Barkley Gardner, Appellant Pro Se. Sharon Coull Wilson, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Barkley Gardner appeals the district court's order denying his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A). We review the court's order for abuse of discretion. *United States v. Malone*, 57 F.4th 167, 172 (4th Cir. 2023). Upon review of the record, we discern no abuse of discretion in the court's determination that the 18 U.S.C. § 3553(a) factors did not warrant Gardner's release. Accordingly, we affirm the court's order. We also grant Gardner's motion to amend his informal brief. 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