

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-6846

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

EUGENE JOHNSON,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at
Richmond. David J. Novak, District Judge. (3:90-cr-00113-MHL-RCY-1)

Submitted: October 10, 2024

Decided: October 15, 2024

Before WILKINSON and AGEE, Circuit Judges, and FLOYD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Robert J. Wagner, ROBERT J. WAGNER PLC, Richmond, Virginia, for
Appellant. Jessica D. Aber, United States Attorney, Michael C. Moore, Assistant United
States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia,
for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Eugene Johnson appeals the district court's order denying his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A). After reviewing the record, we conclude that the district court did not abuse its discretion in adjudicating Johnson's motion. *See United States v. Bethea*, 54 F.4th 826, 831, 834 (4th Cir. 2022) (noting standard of review, findings district court must make before granting compassionate release, and guideposts for determining whether district court abused its discretion in considering 18 U.S.C. § 3553(a) factors). Additionally, despite Johnson's arguments to the contrary, we discern no error in the court's reliance on *United States v. Ferguson*, 55 F.4th 262, 270-72 (4th Cir. 2022) (recognizing defendant may not challenge the validity of his conviction or sentence in a compassionate release motion), *cert. denied*, 144 S. Ct. 1007 (2024), to hold that Johnson could not challenge the validity of his underlying conviction and sentence in a compassionate release motion.

Accordingly, we affirm the district court's order. *United States v. Johnson*, No. 3:90-cr-00113-MHL-RCY-1 (E.D. Va. Aug. 24, 2023). 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