

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted October 15, 2024*

Decided October 16, 2024

BeforeMICHAEL Y. SCUDDER, *Circuit Judge*JOHN Z. LEE, *Circuit Judge*NANCY L. MALDONADO, *Circuit Judge*

No. 24-2119

UNITED STATES OF AMERICA,
*Plaintiff-Appellee,**v.*TYLER Z. COBB,
*Defendant-Appellant.*Appeal from the United States District
Court for the Southern District of
Indiana, Indianapolis Division.

No. 1:20-cr-00192-JRS-MG-1

James R. Sweeney II,
*Judge.***ORDER**

Tyler Cobb, a federal prisoner serving a 125-month sentence for possession of child pornography, appeals the denial of his motion for compassionate release. Because

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

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his arguments on appeal improperly challenge the validity of his conviction and sentence and do not address the district court's reasons for denying compassionate release, we affirm.

Cobb pleaded guilty in 2021 to one count of possessing child pornography. 18 U.S.C. § 2252(a)(4)(B). Based on an offense level of 38 and a criminal history category of I, Cobb's guidelines range was 235 to 293 months, capped by a statutory maximum of 240 months. *See id.* § 2252(b)(2); U.S.S.G. § 2G2.2. Considering Cobb's young age as well as his mental and physical impairments, the court imposed a below-guidelines sentence of 125 months' imprisonment and 360 months' supervised release.

After serving 27 months in prison, Cobb filed a motion for compassionate release in May 2024. 18 U.S.C. § 3582(c)(1)(A)(i). He argued that his serious and permanent medical conditions—encephalopathy, periventricular leukomalacia, chronic lung disease, scoliosis, cerebral palsy, epilepsy, cognitive dysfunction, borderline IQ, anxiety disorder, and panic attacks—and the Bureau of Prisons' inability to treat them were extraordinary and compelling reasons justifying early release. *See* U.S.S.G. § 1B1.13(b)(1)(A), (B). Cobb also argued that the illegality of his conviction and sentence and his rehabilitative efforts in prison supported his release. *See* U.S.S.G. § 1B1.13(b)(5).

The district court denied the motion. The court reasoned that Cobb produced no evidence that his medical conditions are terminal. Moreover, it determined that the Bureau is capable of treating Cobb's medical needs, and Cobb did not present evidence that his ability to provide self-care in prison is diminished. The court also noted that the challenges to the underlying conviction and sentence were not proper grounds for compassionate release. The court therefore concluded that Cobb had not met his burden of showing that extraordinary and compelling reasons warranted a reduced sentence.

Even assuming Cobb had presented an extraordinary and compelling reason for release, the court explained that it still would deny relief because the sentencing factors in 18 U.S.C. § 3553(a) weighed against it. Specifically, the court noted the seriousness of Cobb's crime, which involved children, the below-guidelines sentence that had already accounted for Cobb's medical conditions, and the substantial time remaining on his sentence. The court determined these facts outweighed any rehabilitative efforts Cobb had made while in prison. Accordingly, releasing Cobb early would not reflect the seriousness of the offense, promote respect for the law, or provide adequate deterrence.

On appeal, Cobb does not engage with the district court's reasoning. Rather, he reiterates his challenges to the validity of his conviction and sentence. For example, he argues that the prosecutor withheld exculpatory evidence and fabricated stories about Cobb that influenced the court's sentencing decision. But as the district court correctly concluded, a compassionate release motion is not the proper vehicle to challenge a conviction or sentence. *See United States v. Von Vader*, 58 F.4th 369, 371 (7th Cir. 2023). Because Cobb's brief does not address the district court's conclusions that he did not otherwise establish an extraordinary or compelling reason for release or that the § 3553(a) factors weighed against a sentence reduction, any argument along those lines is waived. *See Bradley v. Village of University Park*, 59 F.4th 887, 897 (7th Cir. 2023). Regardless, the district court needed to identify "just one good reason" for denying the motion. *United States v. Rucker*, 27 F.4th 560, 563 (7th Cir. 2022). Here, the court provided more than one good reason: Cobb's medical conditions did not qualify as extraordinary and compelling reasons for early release, and the seriousness of the crime and the substantial time remaining on Cobb's sentence weighed against release.

AFFIRMED