

NONPRECEDENTIAL DISPOSITION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 July 17, 2025*

Decided July 17, 2025

BeforeTHOMAS L. KIRSCH II, *Circuit Judge*JOHN Z. LEE, *Circuit Judge*DORIS L. PRYOR, *Circuit Judge*

No. 24-2624

UNITED STATES OF AMERICA,
*Plaintiff-Appellee,**v.*RODNEY DAVIS,
*Defendant-Appellant.*Appeal from the United States District
Court for the Southern District of
Indiana, Terre Haute Division.

No. 2:12-cr-00010-JMS-CMM-1

Jane Magnus-Stinson,
Judge.

* 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).

ORDER

Rodney Davis appeals the district court's denial of his second motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A). We affirm.

In 2013, Davis was convicted by a jury of distribution and possession of child pornography, 18 U.S.C. § 2252(a)(2), (4)(B), after he sent images and video files of child pornography to an undercover agent posing online as a 13-year-old girl. He was sentenced to 292 months in prison (the bottom of his guidelines range) and a life term of supervised release.

In 2022, Davis filed his first motion for compassionate release, citing his advanced age, emphysema, and other health issues, as well as his need to care for a sister who suffered from late-stage cancer. The district court denied this motion, finding that his medical conditions and that of his sister were not an extraordinary and compelling reason for relief and, regardless, the § 3553(a) sentencing factors weighed against any sentence reduction.

In 2024, Davis moved again for compassionate release, arguing that a change in the law had produced a gross disparity between the sentence he is serving and the sentence he would likely receive today. *See* U.S.S.G § 1B1.13(b)(6). He also invoked his age and reiterated that his sister needed him at home to care for her. U.S.S.G § 1B1.13(b)(2)–(3).

The district court denied this motion too. The court explained, first, that Davis had not pointed to any change in the law that had produced any disparity in sentencing. The court noted that two cases that Davis relied upon (both from the Northern District of Indiana) were not controlling and did not reflect a change in law pertinent to his case. As for Davis's need to return home to care for his sister, the court found that Davis had not shown that his sister was "incapacitated" within the meaning of U.S.S.G § 1B1.13(b)(3). According to the court, the record suggested that Davis's sister could perform most daily tasks and provide self-care. In any event, the court concluded, Davis was not entitled to compassionate release because the § 3553(a) factors addressed in its prior order—particularly, the "horrific" nature of his crimes, his failure to complete sex-offender treatment, and the substantial time left to be served—did not weigh in his favor. Davis appealed.

At the outset, we note the government's contention that we lack jurisdiction because Davis's notice of appeal was untimely under Federal Rule of Appellate Procedure 4(b)(1)(A) (Davis mailed the notice 17 days after the district court entered its order). But the time limits in the federal rules are case-processing rules, not jurisdictional limitations, and may be forfeited if not properly invoked in the litigants' appellate docketing statements. *Vergara v. City of Chicago*, 939 F.3d 882, 886 (7th Cir. 2019); CIR. R. 3(c)(1). Just so here: The government did not file a docketing statement raising the issue of timeliness, so it forfeited this argument. *See DaSilva v. Indiana*, 30 F.4th 671, 673 (7th Cir. 2022).

On the merits, Davis asserts generally that the district court overlooked relevant case law when rejecting his argument that a change in the law made his sentence unusually long. But the court correctly concluded that his cited cases do not establish an extraordinary and compelling reason for his release. "Judicial decisions, whether characterized as announcing new law or otherwise, cannot alone amount to an extraordinary and compelling circumstance allowing for a sentence reduction" under § 3582(c)(1)(A). *United States v. Brock*, 39 F.4th 462, 466 (7th Cir. 2022).

Davis also challenges the district court's analysis of the § 3553(a) factors insofar as the court relied upon its rationale in denying his first motion for compassionate release. But as the court explained, no further discussion was necessary because Davis had not submitted any new information in his second motion that would alter its prior determination, and the § 3553(a) factors still weighed against release. *See United States v. Clayton*, 811 F.3d 918, 921 n.1 (7th Cir. 2016); *United States v. Ugbah*, 4 F.4th 595, 598 (7th Cir. 2021).

AFFIRMED