

NONPRECEDENTIAL DISPOSITION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 14, 2026*

Decided July 17, 2026

Before

MICHAEL B. BRENNAN, *Chief Judge*

FRANK H. EASTERBROOK, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 26-2088

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

JAMES D. LUEDTKE,
Defendant-Appellant.

} Appeal from the United States
District Court for the Eastern
District of Wisconsin.

} No. 03-CR-37

} William C. Griesbach,
Judge.

ORDER

James Luedtke has filed multiple applications for compassionate release under 18 U.S.C. §3582(c)(1)(A).

Our decision respecting an earlier application held that the district judge was not required to appoint counsel for Luedtke, that 28 U.S.C. §455 does not disqualify the district judge from resolving Luedtke's motions, and that the district judge did not

* This successive appeal has been submitted to the original panel under Operating Procedure 6(b). We have unanimously agreed to decide the case without argument because the briefs and record adequately present the facts and legal arguments, and argument would not significantly aid the court. See Fed. R. App. P. 34(a)(2)(C).

abuse his discretion in denying the motion on the merits. *United States v. Luedtke*, No. 23-2307 (7th Cir. Feb. 9, 2024) (nonprecedential).

In his current appeal, Luedtke repeats the first two of these arguments. He does not mention the fact that he has already raised them in this court and lost. We do not see any reason to depart from our earlier decision.

The Criminal Justice Act does not entitle applicants for compassionate release to appointed counsel, *United States v. Blake*, 986 F.3d 756, 758 (7th Cir. 2021), and the district judge did not abuse his discretion in declining to recruit counsel. *Watts v. Kidman*, 42 F.4th 755 (7th Cir. 2022), holds that judges should not recruit counsel in substantively weak cases. That description applies to Luedtke’s current motion. His appellate brief contends at length that his offense level under the Sentencing Guidelines was calculated incorrectly when he was sentenced more than 20 years ago, but the Supreme Court held in *Fernandez v. United States*, 146 S. Ct. 1292 (2026), that the compassionate-release statute cannot be used to make arguments that would have been available on direct appeal or collateral attack. It is designed instead for post-sentencing developments, such as “age, illness, [or] a child left with no guardian”. *Id.* at 1304. Luedtke does not make any arguments of that sort.

As for disqualification: the fact that the district judge has resolved many matters adversely to Luedtke does not suggest any disqualifying extra-judicial knowledge. See *Liteky v. United States*, 510 U.S. 540, 555 (1994). Our previous decision relies on *Liteky*; Luedtke’s appellate brief in this appeal ignores it. No more need be said.

AFFIRMED