

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 20-3041**September Term, 2020****1:17-cr-00234-TNM-2****Filed On:** September 21, 2020

United States of America,

Appellee

v.

Wayne Holroyd,

Appellant

Consolidated with 20-3049

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Henderson, Tatel, and Katsas, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the memoranda of law and fact filed by the parties. The court has determined that the issues presented occasion no need for an opinion. See D.C. Cir. Rule 36. Upon consideration of the foregoing, the motion to supplement the appendix, and the supplemental appendix, it is

ORDERED that the motion to supplement the appendix be granted. The Clerk is directed to file the lodged supplemental appendix. It is

FURTHER ORDERED and ADJUDGED that the district court's May 26, 2020 order denying appellant's motion for compassionate release and July 23, 2020 order denying appellant's motion for reconsideration be affirmed. Appellant requested compassionate release under the First Step Act, 18 U.S.C. § 3582(c)(1)(A), which allows a court to reduce a defendant's sentence if it determines "extraordinary and compelling reasons" warrant release after considering relevant factors in 18 U.S.C. § 3553(a), including the seriousness of the offense and the potential danger the defendant presents to the community. The district court did not abuse its discretion in

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denying release. Cf. United States v. Smith, 896 F.3d 466, 470 (D.C. Cir. 2018) (applying abuse of discretion standard to motion for sentence reduction under 18 U.S.C. § 3582(c)(2), based on the Sentencing Commission's subsequent lowering of a sentencing range).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Michael C. McGrail

Deputy Clerk