

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 21-3024**September Term, 2020****1:02-cr-00045-RCL-1****Filed On: July 6, 2021**

United States of America,

Appellee

v.

Keith B. McGill,

Appellant

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

BEFORE: Henderson, Wilkins, and Rao, 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 file an appendix, the response thereto, the lodged appendix, the sealed appendix, the motion for leave to file a supplemental appendix, and the lodged supplemental appendix, it is

ORDERED that the motions to file an appendix and supplemental appendix be granted. The Clerk is directed to file the lodged appendix and supplemental appendix. It is

FURTHER ORDERED and ADJUDGED that the district court's March 22, 2021 order denying appellant's motion for compassionate release be affirmed. Appellant requested compassionate release under 18 U.S.C. § 3582(c)(1)(A), which, in pertinent part, 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). In denying appellant's motion, the district court considered the relevant § 3553(a) factors, specifically citing the nature and circumstances of appellant's underlying offenses, including attempted murder of a government witness; appellant's history and characteristics, including his conduct in prison and prior criminal history; the need for the sentence imposed to reflect the seriousness of appellant's offenses, promote respect for the law, provide just punishment, and afford adequate deterrence to criminal conduct; the need to protect the public from further crimes committed by

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appellant; and the need to provide appellant with medical care. After considering the § 3553(a) factors, the district court concluded that even if appellant had demonstrated “extraordinary and compelling reasons” for relief, the sentencing factors on balance did not weigh in favor of release. Appellant has not shown that the district court abused its discretion in denying his motion. See United States v. Long, 997 F.3d 342, 352 (D.C. Cir. 2021) (concluding that abuse of discretion is the appropriate standard of review in compassionate release appeals).

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/

Daniel J. Reidy

Deputy Clerk