

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

United States v. McMiller

No. 23-6118 (4th Cir. Aug. 29, 2023) · No. No. 23-6118 · Decided August 29, 2023

SUMMARY

The United States Court of Appeals for the Fourth Circuit affirmed the denial of Benjamin McMiller’s motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A). The court held that the district court did not abuse its discretion and denied McMiller’s motion to file a supplemental informal brief for noncompliance with the circuit’s rules.

CASE DETAILS

COURT	United States Court of Appeals for the Fourth Circuit
WRITING FOR THE COURT	Per Curiam; Quattlebaum, Circuit Judge; Heytens, Circuit Judge; Motz, Senior Circuit Judge
JURISDICTION	Federal
DECIDED	August 29, 2023
DOCKET	No. 23-6118
DISPOSITION	affirmed
PROCEDURAL POSTURE	McMiller appealed the district court's order denying his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A), as amended by the First Step Act.
STANDARD OF REVIEW	Abuse of discretion
PRECEDENTIAL VALUE	Unpublished and nonbinding precedent in the Fourth Circuit
PARTIES	Benjamin McMiller v. United States of America

TOPICS

- sentence modification
- standard of review
- appellate procedure
- criminal procedure

PRACTICE AREAS

- Criminal law
- Federal sentencing
- Appellate procedure

QUESTIONS PRESENTED

1. Whether the district court abused its discretion in denying McMiller's motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A).

HOLDINGS

1. The district court did not abuse its discretion in denying McMiller's motion for compassionate release.

KEY QUOTATIONS

“[I]n light of this case’s relative simplicity, where the district court was aware of the arguments, considered the relevant sentencing factors, and had an intuitive reason for adhering to what was already a below-Guidelines sentence, its explanation for denying [the] motion for compassionate release was adequate.” (2)

FACTUAL BACKGROUND

Benjamin McMiller, a federal defendant, moved for compassionate release under 18 U.S.C. § 3582(c)(1)(A), as amended by the First Step Act of 2018. The Western District of North Carolina denied the motion. On appeal, the Fourth Circuit reviewed the record and concluded that the district court did not abuse its discretion.

PROCEDURAL HISTORY

The United States District Court for the Western District of North Carolina denied McMiller's motion for compassionate release on January 26, 2023. McMiller appealed, and the Fourth Circuit affirmed without oral argument.

DISPOSITION

affirmed

CASES CITED

- United States v. Kibble, 992 F.3d 326, 329 (4th Cir. 2021) (per curiam)
- United States v. High, 997 F.3d 181, 191 (4th Cir. 2021)

OPINION

PER CURIAM.

USCA4 Appeal: 23-6118 Doc: 8 Filed: 08/29/2023 Pg: 1 of 2 UNPUBLISHED UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT No. 23-6118 UNITED STATES OF AMERICA, Plaintiff - Appellee, v. BENJAMIN MCMILLER, Defendant - Appellant. Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Robert J. Conrad, Jr., District Judge.

(3:17-cr-00269-RJC-DCK-1) Submitted: August 24, 2023 Decided: August 29, 2023 Before QUATTLEBAUM and HEYTENS, Circuit Judges, and MOTZ, Senior Circuit Judge. Affirmed by unpublished per curiam opinion. Benjamin McMiller, Appellant Pro Se. Unpublished opinions are

not binding precedent in this circuit. USCA4 Appeal: 23-6118 Doc: 8 Filed: 08/29/2023 Pg: 2 of 2
PER CURIAM: Benjamin McMiller appeals the district court's order denying his motion for compassionate release, brought pursuant to 18 U.S.C. § 3582(c)(1)(A), as amended by the First Step Act of 2018, Pub.

L. No. 115-391, § 603(b)(1), 132 Stat. 5194, 5239. After reviewing the record, we conclude that the district court did not abuse its discretion in denying McMiller's motion. See *United States v. Kibble*, 992 F.3d 326, 329 (4th Cir. 2021) (per curiam) (stating standard of review); see also *United States v. High*, 997 F.3d 181, 191 (4th Cir. 2021) (“[I]n light of this case’s relative simplicity, where the district court was aware of the arguments, considered the relevant sentencing factors, and had an intuitive reason for adhering to what was already a below-Guidelines sentence, its explanation for denying [the] motion for compassionate release was adequate.” (cleaned up)).

Accordingly, we affirm the district court's order. *United States v. McMiller*, No. 3:17-cr- 00269-RJC-DCK-1 (W.D.N.C. Jan. 26, 2023). Because it fails to comply with 4th Cir. R. 28(b), McMiller's motion to file a supplemental informal brief is denied.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process. AFFIRMED
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