

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 20-3056

September Term, 2020

1:04-cr-00460-RJL-1

Filed On: March 15, 2021

United States of America,

Appellee

v.

Andre Miller,

Appellant

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

BEFORE: Rogers, Millett, and Wilkins, 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, the briefs filed by the parties, and appellant's Rule 28(j) letter. 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, it is

ORDERED AND ADJUDGED that the district court's order filed August 16, 2020, be affirmed. Appellant requested compassionate release under 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 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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

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of any timely petition for rehearing or 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