

NONPRECEDENTIAL DISPOSITION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 December 20, 2023*

Decided December 22, 2023

Before

DIANE S. SYKES, *Chief Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 23-1929

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

CHRISTOPHER WILLIAMS,
Defendant-Appellant.

Appeal from the United States District
Court for the Southern District of
Indiana, Indianapolis Division.

No. 1:16-cr-00249-JMS-MJD-4

Jane Magnus-Stinson,
Judge.

ORDER

Christopher Williams, a federal prisoner, appeals the denial of his motions for compassionate release and sentence reduction under 18 U.S.C. § 3582(c)(1)(A). The

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

district judge did not abuse her discretion by ruling that Williams offered no extraordinary and compelling reasons for release, so we affirm.

In 2017 Williams pleaded guilty to conspiracy to possess with intent to distribute methamphetamine. *See* 21 U.S.C. §§ 841(a)(1), 846. Williams had previously been convicted of a state felony drug offense, so he was subject to a statutory minimum sentence of 240 months under the law at that time. *See id.* § 841(b)(1)(A) (2017). The court sentenced him above his guidelines range to 276 months. He did not appeal.

Williams moved in 2019 for compassionate release, arguing primarily that the First Step Act's amendments to § 841(b)(1)(A) constituted an extraordinary and compelling reason for release because he would face a lower sentence if sentenced today. Pub. L. No. 115-391, § 401(a)(2)(A), 132 Stat. 5220 (2018). The judge denied the motion, citing *United States v. Thacker*, 4 F.4th 569 (7th Cir. 2021), which precludes consideration of a nonretroactive change in the law as an extraordinary and compelling reason for a sentence reduction. And because Williams had not furnished an extraordinary and compelling reason for release, the judge declined to address the sentencing factors of 18 U.S.C. § 3553(a).

About six months later, Williams moved again for compassionate release, citing as extraordinary and compelling reasons (1) the Supreme Court's recent decision in *Concepcion v. United States*, 597 U.S. 481 (2022), which, he maintained, permits consideration of changes in sentencing laws; (2) the disparities created by sentencing courts in their handling of compassionate-release motions; and (3) his rehabilitation in prison. The judge rejected these arguments and denied this motion as well.

On appeal Williams argues that *Thacker* was overruled by *Concepcion* and that this court announced as much in *United States v. Newbern*, 51 F.4th 230 (7th Cir. 2022). But Williams misapprehends *Concepcion* and *Newbern*. Both cases address what a district court may consider when resentencing defendants after finding that they are entitled to a sentence reduction. *Concepcion*, 597 U.S. at 500; *Newbern*, 51 F.4th at 231–32. Neither case concerned the “threshold question” whether a prisoner has established an extraordinary and compelling reason warranting a sentence reduction. *United States v. King*, 40 F.4th 594, 596 (7th Cir. 2022). As we have explained, *Concepcion* does not alter our understanding from *Thacker* that nonretroactive sentencing changes—including the changes to § 841(b)—cannot establish an extraordinary and compelling reason for release under § 3582(c)(1)(A)(i). *King*, 40 F.4th at 596; *United States v. Von Vader*, 58 F.4th 369, 371 (7th Cir. 2023). *Newbern* never mentioned *Thacker*, let alone announced its overruling.

Next, Williams contends that the district court failed to consider collectively all his arguments for release. But the judge evaluated each of Williams's arguments and specified that "alone or in conjunction with" one another they failed to establish an extraordinary and compelling reason to release him. The judge appropriately evaluated Williams's circumstances and considerations, *see United States v. Vaughn*, 62 F.4th 1071, 1073 (7th Cir. 2023), rightly concluding that (1) the amendments to § 841(b)(1)(A) are a nonretroactive statutory change that do not warrant compassionate release,¹ *see King*, 40 F.4th at 596; (2) arguments about sentencing disparities are the "ordinary business of the legal system," *id.* at 595; and (3) rehabilitation is not a stand-alone reason for release, *United States v. Peoples*, 41 F.4th 837, 842 (7th Cir. 2022).

AFFIRMED

¹ We acknowledge that the Sentencing Commission's proposed amendments to the Guidelines took effect on November 1, 2023. As relevant to Williams's motion, U.S.S.G. § 1B1.13(b)(6) permits courts to consider a change in the law when, among other considerations, the defendant has served more than 10 years of his sentence. But because Williams has not served more than 10 years, the new guideline does not alter our analysis here.