

NONPRECEDENTIAL DISPOSITION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 September 20, 2024*
Decided September 20, 2024

Before

FRANK H. EASTERBROOK, *Circuit Judge*

ILANA DIAMOND ROVNER, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

No. 23-2323

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

L. C. RICHARDSON,
Defendant-Appellant.

Appeal from the United States District
Court for the Southern District of
Illinois.

No. 16-cr-40019-JPG

J. Phil Gilbert,
Judge.

ORDER

L. C. Richardson, a federal prisoner housed in West Virginia, appeals the denial of his motion for compassionate release. 18 U.S.C. § 3582(c)(1)(A). We affirm.

In 1998, Richardson was sentenced to 327 months' imprisonment for federal drug crimes, along with 20 years' imprisonment for first-degree murder. He was released in

* 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).

2016. Later that year, he pleaded guilty to multiple firearm and drug offenses, *see* 18 U.S.C. §§ 922(g)(1), 924(e); 21 U.S.C. § 841(a)(1), (b)(1)(C), and for those crimes now is serving a 20-year sentence.

In 2023, Richardson moved for compassionate release on four grounds: (1) His wife's health was declining, so he needed to be the caregiver; (2) his mental health deteriorated significantly after the recent death of his adult-aged daughter; (3) he had medical conditions including high blood pressure, diabetes, sleep apnea, obesity, and back problems, many of which heighten his risk of a severe COVID-19 infection or heart failure; and (4) he had rehabilitated himself, as reflected by his completion of multiple prison programs.

The district court denied Richardson's motion. The court noted that Richardson had been vaccinated against COVID-19 and thus was at a significantly lower risk of severe complications from the disease. The court added, based on its review of Richardson's medical records, that he appeared to be receiving adequate care for his conditions, which did not increase his risk of contracting COVID-19 and were not extraordinary and compelling reasons justifying release. Finally, the court determined that release was not justified under the sentencing factors set forth in 18 U.S.C. § 3553(a)—including the seriousness of Richardson's offense and his extensive criminal history (violent offenses such as first-degree murder, as well as fourteen infractions in prison).

Richardson later asked to file additional evidence about his worsening back condition and the prison's failure to administer all his medication. The district court construed the request as a motion to reconsider, which the court then denied. The court concluded that it did not misapprehend the issues presented, and Richardson did not point to any significant change in law or discovery of new facts to warrant reconsideration.

On appeal, Richardson contends that we should consider his § 3582(c) motion under the Sentencing Commission's revised policy statement in the latest version of the Sentencing Guidelines. That policy statement permits some defendants to seek early release based on medical circumstances requiring long-term or specialized care that is not being provided, *see* U.S.S.G. § 1B1.13(b)(1) (effective Nov. 1, 2023); the incapacitation of a spouse when the defendant would be the only available caregiver, *see id.* § 1B1.13(b)(3); or any other circumstances similar in gravity, *see id.* § 1B1.13(b)(5). Richardson highlights the substandard medical care he received in prison and his wife's deteriorating health.

The district court did not abuse its discretion to deny the motion. The revised policy statement went into effect in November 2023, nine months after Richardson had filed his motion. We generally apply the version of the guidelines in effect at the time of the district court's sentencing, *see United States v. Claybron*, 88 F.4th 1226, 1230–31 (7th Cir. 2023); U.S.S.G. § 1B1.11(a); *see also United States v. Handlon*, 97 F.4th 829, 833 (11th Cir. 2024) (November 2023 revisions to § 1B1.13 do not have retroactive effect).

Regardless, courts need identify “just one good reason” to deny compassionate release, *see United States v. Rucker*, 27 F.4th 560, 563 (7th Cir. 2022), and here the district court explained that (1) Richardson's health conditions did not qualify as extraordinary and compelling reasons warranting early release, and (2) the § 3553(a) factors, particularly the seriousness of his offense and extensive criminal history, weighed against release.

AFFIRMED