

NONPRECEDENTIAL DISPOSITION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 October 28, 2024*

Decided October 30, 2024

Before

FRANK H. EASTERBROOK, *Circuit Judge*

ILANA DIAMOND ROVNER, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 24-2487

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

ERNEST F. CLARK,
Defendant-Appellant.

Appeal from the United States
District Court for the Eastern
District of Wisconsin.

No. 11-CR-30-2-JPS

J.P. Stadtmueller, *Judge.*

ORDER

In this appeal from the denial of his fourth motion for compassionate release under 18 U.S.C. §3582(c)(1)(A), Clark contends that the district court violated the Constitution by not mentioning the latest amendment to U.S.S.G. §1B1.13, specifically §1B1.13(b)(6), and not responding to every one of his arguments.

* After examining the briefs and the record, we have concluded that oral argument is unnecessary. See Fed. R. App. P. 34(a); Cir. R. 34(f).

One reason the judge did not address all of his arguments is that he assumed that Clark had established a good reason for release but concluded that release is inappropriate in light of the statutory criteria. This enabled the court to bypass Clark's arguments about his medical conditions and the effect of subsection (b)(6), which authorizes (but does not require) compassionate release when the sentence is long, the prisoner has served at least ten years, and "a change in the law (other than an amendment to the Guidelines Manual that has not been made retroactive)" affects that sentence. We doubt that any "change in the law" authorizes a reduced sentence for Clark, but like the district court we bypass that question.

The district court's fundamental reason for denying Clark's latest application is that he is a vicious person whose disregard for the welfare of others requires his continued confinement to promote public safety. The judge stated that he has "zero regard for others, for their property, or for the law." These are permissible considerations under 18 U.S.C. §3553(a), and we do not see any abuse of discretion by the district court. For these reasons, as well as those given in our most recent order denying Clark's requests—see *United States v. Clark*, No. 23-1808 (Sept. 18, 2023) (nonprecedential disposition)—the judgment of the district court is

AFFIRMED.