

NONPRECEDENTIAL DISPOSITION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 November 20, 2024*

Decided November 20, 2024

Before

FRANK H. EASTERBROOK, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 24-1323

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

TEREZE L. FENDERSON,
Defendant-Appellant.

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

No. 17-CR-30090-SPM-1

Stephen P. McGlynn,
Judge.

ORDER

Tereze Fenderson appeals the denial of his motion for a sentence reduction under 18 U.S.C. § 3582(c) based on a retroactive amendment to the Sentencing Guidelines. Because the district court appropriately exercised its discretion to deny the motion based on the factors set forth in 18 U.S.C. § 3553(a), we affirm.

* 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).

In 2017, Fenderson was arrested for possessing a firearm as a felon. After being released on bond, he shot a fellow associate who had cooperated with agents, and then he fled the scene. In 2019, he was convicted of being a felon in possession of a firearm, 18 U.S.C. §§ 922(g)(1), 924(a)(2), attempting to retaliate against a witness, 18 U.S.C. §§ 1513(b)(2), 2, and discharging a firearm in connection with a crime of violence, 18 U.S.C. §§ 924(c)(1)(A), 2. The court calculated a guidelines range of 212 to 235 months' imprisonment (a 92-to-115-month range based on an offense level of 26 for counts 1 and 3 and a criminal history category of IV, plus a 120-month statutory minimum term for count 4, to run consecutively) and sentenced him to 212 months.

In 2024, Fenderson moved to reduce his sentence based on the enactment of an amendment to Chapter Four of the Guidelines that concerned the computation of criminal history points. Under Amendment 821, district courts could no longer add points to the criminal history score of a defendant like Fenderson who committed an offense while under a criminal justice sentence and had six or fewer criminal history points. *See* U.S. SENT'G GUIDELINES MANUAL AMEND. 821 (U.S. SENT'G COMM'N 2023); *United States v. Claybron*, 88 F.4th 1226, 1228 (7th Cir. 2023). After Fenderson was sentenced, the amendment became retroactively effective. U.S.S.G. §§ 1B1.10(d), 4A1.1(e). The government agreed that the amendment reduced Fenderson's criminal history score to six and the corresponding category to III, resulting in a lower advisory guidelines sentence of 78 to 97 months on counts 1 and 3 (and 198 to 217 months in total), but nevertheless opposed the motion based on the § 3553(a) factors — and specifically, concerns about protecting the public, *see* § 3553(a)(2)(C), given the seriousness of Fenderson's underlying conduct and his disciplinary infractions while imprisoned.

The district court agreed with the government's position and denied the motion.

On appeal, Fenderson argues that the district court insufficiently justified its denial of his motion when it considered only one § 3553(a) factor and not the others. But a court need offer only "one good reason" to deny a motion. *United States v. Williams*, 61 F.4th 521, 524 (7th Cir. 2023) (quoting *United States v. Rucker*, 27 F.4th 560, 563 (7th Cir. 2022)). The court need not analyze every § 3553(a) factor, so long as its explanation is consistent with § 3553(a). *United States v. Clayton*, 811 F.3d 918, 921 (7th Cir. 2016). The district court's explanation satisfies this standard: It cited public safety concerns, pointing to Fenderson's record both in and out of prison. 18 U.S.C. § 3553(a)(2)(C).

Fenderson also argues, for the first time, that the district court—as part of its § 3553(a) assessment—should have accounted for his extensive participation in the

prison's recidivism-reduction programming. But though the district court could have considered Fenderson's post-conviction behavior, he presented no such evidence to the district court, and so no discussion was necessary. *See Clayton*, 811 F.3d at 921 n.1.

AFFIRMED