

**NONPRECEDENTIAL DISPOSITION**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. 24-1683

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

*v.*

CHARLES SEALS,  
*Defendant-Appellant.*

Appeal from the United States District  
Court for the Northern District of  
Indiana, Fort Wayne Division.

No. 1:13-CR-89-HAB

Holly A. Brady,  
*Chief Judge.*

**ORDER**

Charles Seals, a federal prisoner, moved for a sentence reduction under 18 U.S.C. § 3582(c)(2) and for compassionate release under 18 U.S.C. § 3582(c)(1)(A). The district court denied the first motion upon concluding that Amendment 821 to the Sentencing Guidelines did not change Seals's sentencing range, and the second motion because he

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\* 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).

had not exhausted his administrative remedies. Neither decision was an abuse of discretion, and we therefore affirm.

In December 2014, Seals pleaded guilty to armed bank robbery, 18 U.S.C. § 2113(a), brandishing a firearm during a crime of violence, *id.* § 924(c)(1)(A)(ii), and forcibly assaulting a postal employee, *id.* § 111. At sentencing, the district court assigned a base offense level of 20 for the robbery and assault convictions, U.S.S.G. § 2B3.1(a), and added another 10 levels for offense- and role-related adjustments, *id.* §§ 2B3.1(b)(1), (4)(B), (7)(C); 3B1.1(c); 3C1.2. It then subtracted three levels for timely acceptance of responsibility, *id.* § 3E1.1(a)–(b), bringing the total offense level to 27. The court also identified 15 criminal history points—13 for prior offenses and two because Seals had committed the robbery while on probation, *id.* § 4A1.1(d), resulting in a criminal history category of VI, *id.* § 5A. The court thus imposed a within-guidelines sentence of 144 months for the robbery and assault convictions as well as a consecutive term of 84 months for the firearm conviction. 18 U.S.C. § 924(c)(1)(A)(ii).

In December 2023, Seals moved for a reduction in his sentence based on a new amendment to the Guidelines, *see* 18 U.S.C. § 3852(c)(2), and (for the fourth time) compassionate release, *see id.* § 3582(c)(1)(A). As to the first request, Seals invoked Amendment 821, which applies retroactively, *see* U.S.S.G. § 1B1.10(d), and as relevant to Seals, eliminated the provision adding two points to the criminal history score for committing an offense while serving another sentence. *Compare* U.S.S.G. § 4A1.1(d) (2018), *with id.* § 4A1.1(e) (2023). But because Seals’s criminal history category and Guidelines range would remain unchanged, the court denied the motion.

The district court also denied Seals’s compassionate-release request, which the government had opposed on the ground that Seals failed to exhaust his administrative remedies as required by 18 U.S.C. § 3582(c)(1)(A). Bypassing Seals’s argument that he was rehabilitated and had shed his criminal mindset since his arrival in prison, the court explained that it had advised Seals three times before of his obligation to first seek relief within the Bureau of Prisons. Because Seals again failed to provide evidence of exhaustion, the court denied the request for compassionate release.

On appeal, Seals generally contests the denial of his motions. We review both decisions for an abuse of discretion, *United States v. Saunders*, 986 F.3d 1076, 1078 (7th Cir. 2021). But the court made no errors here.

First, the district court correctly denied Seals's motion for a sentence reduction because Amendment 821 did not render him eligible for relief. A court may reduce a defendant's sentence only if it "was based on a sentencing range that has subsequently been lowered by the Sentencing Commission." 18 U.S.C. § 3582(c)(2). Whether Seals's criminal history score was 15, as originally calculated, or 14, as it would be under the current Guidelines, his criminal history category would remain VI and his sentencing range would not change. *See* U.S.S.G. § 4A1.1(e) (2023); *id.* § 5A. Therefore, Seals did not qualify for a sentence reduction based on Amendment 821. *See Dillon v. United States*, 560 U.S. 817, 826–27 (2010).

Second, the district court correctly denied Seals's compassionate-release motion. A federal prisoner must first bring his compassionate-release request to the warden of his facility, and either exhaust all administrative appeals with the Bureau of Prisons or move for relief on his own if 30 days pass without a response from the warden. 18 U.S.C. § 3582(c)(1)(A); *see also United States v. Williams*, 987 F.3d 700, 703–04 (7th Cir. 2021). Here, Seals has not shown that he presented any request to the warden. Because the government invoked the exhaustion requirement, the district court was correct to enforce it. *See United States v. Sanford*, 986 F.3d 779, 782 (7th Cir. 2021).

AFFIRMED