

NONPRECEDENTIAL DISPOSITION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 January 20, 2026*

Decided January 21, 2026

Before

FRANK H. EASTERBROOK, *Circuit Judge*

DIANE S. SYKES, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

No. 24-1977

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

KEVIN P. O'NEILL,
Defendant-Appellant.

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

No. 97-CR-98-JPS-1

J.P. Stadtmueller,
Judge.

ORDER

Kevin P. O'Neill, a federal prisoner, appeals an order denying his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A). Because O'Neill did not

* 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).

challenge the district judge's weighing of the § 3553(a) factors in his opening brief, we affirm.

In 2000, O'Neill, a former leader of the Outlaws Motorcycle Club, was found guilty of racketeering offenses including murder, car bombings, and other related crimes. Consistent with the then-mandatory guidelines range, O'Neill was sentenced to a total term of life imprisonment.

In May 2022, O'Neill moved for compassionate release, claiming numerous "extraordinary and compelling" reasons warranted his early release from prison. *See* § 3582(c)(1)(A). As pertinent to this appeal, O'Neill pointed to his age, then 65, and health-related challenges he experienced in prison—delayed treatment for a ruptured Achilles tendon, multiple concussions, bouts of COVID-19, and basal cell carcinoma. As an additional ground, he asserted that his sentence was considerably longer than that of a co-defendant, who was sentenced to only 15 years' imprisonment. O'Neill also argued that the sentencing factors in § 3553(a) weighed in favor of his release, contending that he posed a low risk of recidivism, had taken meaningful steps towards rehabilitation, and had minimal disciplinary issues during his incarceration.

The district judge denied O'Neill's motion, concluding that O'Neill had not shown extraordinary and compelling reasons to warrant his release. As relevant here, the judge rejected O'Neill's age-related arguments because he had not established that he was suffering from a serious physical or medical condition, experiencing deteriorating physical or mental health, or had a condition requiring long-term or specialized care that was not being provided. *See* U.S.S.G. § 1B1.13(b)(1)(B)–(C). The judge also rejected O'Neill's argument that the disparity between his sentence and that of his co-defendant was an extraordinary and compelling reason for release. *See id.* § 1B1.13(b)(5). The judge questioned whether such a challenge was properly raised in a compassionate-release proceeding and, in any event, concluded that it failed on the merits: the co-defendant's sentence had followed a plea agreement, while O'Neill had been convicted and sentenced after a jury trial. Finally, the judge explained that even if O'Neill could show an extraordinary and compelling reason for early release, the sentencing factors in § 3553(a) would strongly militate against it. The judge acknowledged O'Neill's personal growth but emphasized the seriousness of his crimes, his continued efforts to litigate factual issues related to his crimes, and the community's need for just punishment.

On appeal, O'Neill presses only two arguments, both of which focus on the district judge's conclusion that O'Neill did not establish extraordinary and compelling reasons for relief as set out in the Guidelines. First, he contends that the district judge misapplied the Guidelines provision describing age-based circumstances for compassionate release, § 1B1.13(b)(2), by "conflat[ing]" the standard with a different subsection of the Guidelines. O'Neill also argues that the district judge erred by concluding that the disparity between the length of his sentence and that of his co-defendant was not an extraordinary and compelling reason for a sentence reduction.

We need not reach O'Neill's arguments to resolve his appeal. To prevail, he needed to establish both extraordinary and compelling reasons for a sentence reduction and show that the district judge abused his discretion in concluding that the § 3553(a) factors counseled against early release. *See United States v. Williams*, 65 F.4th 343, 346 (7th Cir. 2023). But O'Neill has not properly challenged the district judge's conclusions regarding the § 3553(a) factors.[†] This issue serves as "an independent basis for the court's resolution of [a compassionate release] motion," *id.* at 349, and O'Neill has not challenged it. Because O'Neill failed to address an independently dispositive reason for the denial of his motion, the issue is forfeited. *See Bradley v. Vill. of Univ. Park*, 59 F.4th 887, 897 (7th Cir. 2023).

AFFIRMED

[†] In his opening brief, O'Neill alludes to the § 3553(a) factors but does not develop an argument addressing the district judge's conclusion. *See Greenbank v. Great Am. Assurance Co.*, 47 F.4th 618, 629 (7th Cir. 2022) (noting that perfunctory and underdeveloped arguments are waived). And his attempt to do so in his reply brief comes too late. *See White v. United States*, 8 F.4th 547, 552 (7th Cir. 2021) (explaining that arguments raised for the first time in a reply brief are waived).