

NONPRECEDENTIAL DISPOSITION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 May 19, 2023*

Decided May 25, 2023

Before

DIANE P. WOOD, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 22-1669

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

PAUL CARTER,
Defendant-Appellant.

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

No. 13-CR-84

Lynn Adelman,
Judge.

ORDER

Paul Carter, a federal prisoner with various medical conditions, challenges the denial of his motion for compassionate release, *see* 18 U.S.C. § 3582(c)(1)(A)(i), based on his elevated risk of severe illness from COVID-19. The district court concluded that Carter's medical circumstances were not an extraordinary and compelling reason for

* 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).

release and, regardless, the seriousness of his sex-trafficking convictions weighed against his release. We affirm.

In 2017, Carter pleaded guilty to four counts of sex trafficking by force, 18 U.S.C. § 1591(a)(1), and one count of conspiring to commit forced labor and sex trafficking by force, *id.* § 1594(b)–(c). For these crimes, he was sentenced to five concurrent terms of 18 years in prison plus 5 years of supervised release.

In 2021, Carter, represented by counsel, moved for compassionate release. He asserted that he was still recovering from a serious bout of pneumonia—secondary to a COVID-19 infection—that landed him in the hospital for two weeks. He worried that his risk of a severe outcome from COVID-19 was exacerbated by morbid obesity, an acute kidney injury, a partially blocked artery, and advancing age (51). Carter acknowledged the reprehensible nature of his offenses but touted his efforts at rehabilitation. He pointed to multiple programs he completed in prison and his minimal disciplinary record (two minor infractions).

The district court denied Carter’s motion, concluding that his medical conditions did not create an extraordinary and compelling reason for release. The court explained that he was fully vaccinated, he had recovered from a COVID-19 infection in late 2020, and no active COVID-19 cases had been reported at his prison (FCI Manchester in Kentucky). The court also determined that the sentencing factors under 18 U.S.C. § 3553(a) weighed against release because he had a lengthy criminal history of “violent, abusive, demeaning, predatory behavior,” and any substantial reduction in sentence would put the public at risk and “depreciate the seriousness” of his actions.

Proceeding on appeal pro se, Carter generally challenges the district court’s determination that his medical circumstances were not an extraordinary and compelling reason for release and that the § 3553(a) sentencing factors weighed against his release. We review the district court’s ruling for abuse of discretion. *See United States v. Saunders*, 986 F.3d 1076, 1078 (7th Cir. 2021).

The district court permissibly concluded that Carter’s medical circumstances did not create an extraordinary and compelling reason for his release. As the court appropriately found, Carter did not show that he faced a risk of serious illness caused by COVID-19 given his vaccinated status, the lack of any significant ongoing medical difficulties, and the absence of any active COVID-19 cases at his prison. *See United States v. Rucker*, 27 F.4th 560, 563 (7th Cir. 2022); *United States v. Manning*, 5 F.4th 803, 807–08

(7th Cir. 2021) (upholding denial of compassionate release because defendant did not provide evidence of severe health conditions that increased his risk of complications from COVID-19).

Even if Carter could establish an extraordinary and compelling reason for release, the district court reasonably denied his motion based on the sentencing factors. *See Saunders*, 986 F.3d at 1078. The court needed to provide “just one good reason” for denying the motion, *Rucker*, 27 F.4th at 563, and here the court explained that early release—Carter had yet to serve half his sentence—would not reflect the severity of his crimes, promote respect for the law, or protect the public. *See Saunders*, 986 F.3d at 1078 (upholding denial of compassionate release because defendant served only two-thirds of his sentence for a serious offense).

AFFIRMED