NONPRECEDENTIAL DISPOSITION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 27, 2026*
Decided October 28, 2026

Before

THOMAS L. KIRSCH II, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

REBECCA TAIBLESON, *Circuit Judge*

No. 26-1123

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

KEVIN M. COOPER,
Defendant-Appellant.

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

No. 3:08-CR-30066-NJR

Nancy J. Rosenstengel,
Judge.

O R D E R

Kevin Cooper, a federal prisoner, appeals the denial of his third motion for compassionate release. The district court concluded that Cooper failed to establish an

* 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).

extraordinary and compelling reason for early release. Because the district court did not abuse its discretion, we affirm.

Cooper was convicted by a jury of conspiring to distribute and possess with intent to distribute more than 100 grams of heroin, in violation of 21 U.S.C. §§ 841(a)(1), 846. Before sentencing, the probation office submitted a presentence investigation report setting a total offense level of 37 and a criminal history category of VI for Cooper, who was a career offender under U.S.S.G. § 4B1.1. This produced a recommended guidelines range of 360 months to life. The district court sentenced Cooper to life imprisonment. Cooper appealed his conviction and sentence, and we affirmed. *United States v. Cooper*, 591 F.3d 582 (7th Cir. 2010).

Cooper moved for compassionate release two times, arguing that his age and deteriorating health warranted his release. *See* 18 U.S.C. § 3582(c). The district court denied both motions. It stated that Cooper's medical conditions did not constitute an extraordinary or compelling reason and the factors under 18 U.S.C. § 3553(a) weighed against release. We affirmed both rulings. *United States v. Cooper*, No. 21-1781, 2022 WL 1154765 (7th Cir. Apr. 19, 2022); *United States v. Cooper*, No. 23-2665, 2023 WL 6783853 (7th Cir. Oct. 13, 2023).

Cooper filed a third motion for compassionate release, which is the subject of this appeal. He invoked U.S.S.G. § 1B1.13(b)(6), arguing that he is serving an "unusually long sentence" because, according to him, if he were sentenced today, he would not be sentenced under the career-offender guidelines based on a prior conviction out of Illinois for possession with intent to distribute PCP, codeine, and cannabis. Cooper, who was 71 at the time of filing, further asserted that he has several medical conditions, including heart problems and prostate cancer, which provide grounds for his release. And he asserted that his daughter needs his assistance caring for her son, who has cerebral palsy, because she works long hours. Cooper supported his motion with evidence of his rehabilitation in prison, including education certificates and steady work.

The district court denied the motion after concluding that Cooper failed to establish an extraordinary and compelling reason for his release. The court first construed Cooper's argument about his sentence to be that his prior drug conviction can no longer serve as a basis for his enhanced sentence because cannabis has been legalized for recreational use in Illinois. The court concluded that the legalization was not a retroactive change in law that would entitle Cooper to relief under the sentencing

guidelines. The court then determined that Cooper failed to explain how the medical treatment he received in prison was inadequate or how his health might improve upon release. Lastly, the court rejected Cooper's argument that he needed to help his daughter care for her son because Cooper did not demonstrate that he was the only possible caregiver for his grandson.

On appeal, Cooper argues that the district court abused its discretion by relying on inaccurate facts about his prior drug conviction when it concluded that Cooper did not present a change in law about the career offender guidelines that warranted compassionate release. We see no abuse of discretion. Cooper sought compassionate release because he says he received "an unusually long sentence," and a "change in the law … presents an extraordinary and compelling reason" for release. U.S.S.G. § 1B1.13(b)(6); 18 U.S.C. § 3582(c)(1)(A). As an initial matter, Cooper has not clearly identified what change in the law he believes warrants compassionate release. And in any event, while Cooper's appeal before us was pending, the Supreme Court made it clear that nonretroactive changes in law do not qualify as "extraordinary and compelling" reasons under the compassionate release statute. *Rutherford v. United States*, 146 S. Ct. 1320, 1331 (2026). The district court therefore correctly concluded that a nonretroactive change in law was not an extraordinary and compelling reason for release.

Cooper's remaining arguments about his sentence amount to an attempted collateral attack on his conviction and the validity of his sentence, but such arguments do not provide a compelling and extraordinary reason for purposes of a compassionate release motion. *See Fernandez v. United States*, 146 S. Ct. 1292, 1307 (2026); *United States v. Von Vader*, 58 F.4th 369, 371 (7th Cir. 2023).

Cooper next argues that the district court overlooked the seriousness of his medical conditions and relied on its own medical judgment to conclude that they did not rise to an extraordinary and compelling reason to warrant his release. Cooper's evidence shows that he is experiencing serious medical conditions, including cancer and heart attacks, and that he faces delays in getting care for his hearing and vision loss. But we cannot say the district court abused its discretion. Cooper did not provide evidence showing that he was not receiving proper care or that his cancer had become terminal. *See United States v. Vaughn*, 62 F.4th 1071, 1071–72 (7th Cir. 2023). The court considered Cooper's principal arguments about his medical conditions (in this order and in its prior orders) and concluded that they were insufficient to warrant release. *See United States v. Newton*, 996 F.3d 485, 489 (7th Cir. 2021).

Cooper finally contends that the district court erred by not discussing the sentencing factors under 18 U.S.C. § 3553(a). Cooper points to his many accomplishments in prison that show his rehabilitation. But once the district court determined that Cooper failed to offer extraordinary and compelling reasons to warrant compassionate release, it did not need to determine the extent of a reduction under the § 3553(a) factors. *See Rutherford*, 146 S. Ct. at 1333.

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