

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 22-6943**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TIMEIKI HEDSPETH,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Newport News. Raymond A. Jackson, Senior District Judge. (4:16-cr-00049-RAJ-LRL-6)

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Submitted: September 28, 2023

Decided: October 30, 2023

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Before KING and QUATTLEBAUM, Circuit Judges, and TRAXLER, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Timeiki Hedspeth, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Timeiki Hedspeth appeals the district court’s order denying her motion to reconsider the court’s prior orders denying her 18 U.S.C. § 3582(c)(1)(A)(i) motions for compassionate release based on Covid-19. We affirm.

Initially, we note that the district court evaluated Hedspeth’s motion under Fed. R. Civ. P. 59(e). But “the Federal Rules of *Civil* Procedure do not apply to motions under § 3582 . . . because § 3582 motions—which seek only to alter terms of imprisonment—are criminal in nature.” *United States v. Goodwyn*, 596 F.3d 233, 235 n.\* (4th Cir. 2010). Furthermore, because “§ 3582(c) does not prevent prisoners from filing successive motions” for compassionate release, *United States v. Bethea*, 54 F.4th 826, 833 n.2 (4th Cir. 2022), the court should have treated Hedspeth’s reconsideration motion as a new motion for compassionate release, rather than applying the more exacting standards that govern Rule 59(e) motions, *see Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (stating that courts should liberally construe pro se filings).

Nevertheless, having reviewed the district court’s assessment of Hedspeth’s medical conditions, prior Covid-19 infection, and vaccination status, we are satisfied that the court did not abuse its discretion in determining that Hedspeth failed to demonstrate an extraordinary and compelling basis for relief. *See United States v. High*, 997 F.3d 181, 185 (4th Cir. 2021). Accordingly, we deny Hedspeth’s motion to appoint counsel and affirm the district court’s order. We dispense with oral argument because the facts and legal

contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*AFFIRMED*