

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 23-6650**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALVIN JOHNSON, a/k/a Apple Cake,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Elizabeth City. Louise W. Flanagan, District Judge. (2:18-cr-00021-FL-1)

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Submitted: October 31, 2023

Decided: November 3, 2023

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Before HARRIS and QUATTLEBAUM, Circuit Judges, and KEENAN, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Alvin Johnson, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Alvin Johnson appeals the district court's order denying Johnson's 18 U.S.C. § 3582(c)(1)(A) motion for compassionate release and his Fed. R. Crim. P. 36 motion to correct purported clerical errors. We affirm.

Taking the latter issue first, we review de novo the district court's denial of Rule 36 relief. *United States v. Vanderhorst*, 927 F.3d 824, 826 (4th Cir. 2019). We have reviewed the record and discern no error in the district court's ruling. *See United States v. Jenkins*, 22 F.4th 162, 167 (4th Cir. 2021) (“[Rule] 36 is limited to the correction of purely clerical errors and does not extend to judicial or substantive errors.”); *Vanderhorst*, 927 F.3d at 828 (affirming denial of request for resentencing under Rule 36 based on claim of substantive, not clerical, error in presentence report). Next, as to the motion for compassionate release, upon review of the record, we conclude that the district court did not abuse its discretion in determining that sentencing relief was not warranted after considering Johnson's arguments in light of the relevant 18 U.S.C. § 3553(a) factors. *See United States v. Bethea*, 54 F.4th 826, 831, 834 (4th Cir. 2022) (noting standard of review, determinations district court must make before granting motion, and guideposts for determining whether district court has abused its discretion in considering § 3553(a) factors).

Accordingly, we affirm the court's order. *United States v. Johnson*, No. 2:18-cr-00021-FL-1 (E.D.N.C. June 29, 2023). We deny as moot Johnson's motion to expedite our consideration of this appeal. 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*