United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted August 26, 2022[*]
Decided September 7, 2022

Before

FRANK H. EASTERBROOK, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 21-3259	Appeal from the United States District Court for the Central District of Illinois.
UNITED STATES OF AMERICA, *Plaintiff-Appellee*,	
v.	No. 13-CR-10055
BRIAN BROADFIELD, *Defendant-Appellant*.	Michael M. Mihm, *Judge*.

O R D E R

Brian Broadfield contends that he has conditions that expose him to extra risk should he contract COVID-19, and he maintains that this should lead the district court to grant his motion for compassionate release.

He made such a contention before, and we rejected it on the merits. *United States v. Broadfield*, 5 F.4th 801 (7th Cir. 2021). Our decision observed that Broadfield, who refuses to accept vaccination, appears to be at no greater risk in prison than outside. We added that his stated reason, fear of allergic reaction, lacks medical support.

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[*] We have unanimously agreed to decide the case without argument because the briefs and record adequately present the facts and legal arguments, and argument would not significantly aid the court. See Fed. R. App. P. 34(a)(2)(C).

Broadfield contends that our decision was mistaken and that we should direct the district court to ignore it. To the contrary, that decision is the law of the case, and no intervening developments call it into question. Broadfield still has not proffered evidence that allergies prevent him from being vaccinated (he has some allergies, but not the kind that the CDC says make vaccination inadvisable), and he has not offered any evidence suggesting that vaccinated persons with his medical conditions face greater risks from COVID-19 in prison than they would face outside. He therefore has not established an extraordinary and compelling reason for compassionate release.

AFFIRMED