

United States Court of Appeals
For the Eighth Circuit

No. 20-1356

United States of America

Plaintiff - Appellee

v.

Daniel Binion

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Cedar Rapids

Submitted: November 6, 2020

Filed: November 12, 2020

[Unpublished]

Before ERICKSON, WOLLMAN, and STRAS, Circuit Judges.

PER CURIAM.

After considering a number of factors, the district court¹ decided not to reduce Daniel Binion's 293-month prison sentence under the First Step Act. *See* Pub. L.

¹The Honorable Linda R. Reade, United States District Judge for the Northern District of Iowa.

No. 115-391, 132 Stat. 5194 (2018). Though he challenges the decision on a host of grounds, we affirm.

We conclude that the district court did not abuse its discretion. *See United States v. McDonald*, 944 F.3d 769, 771–72 (8th Cir. 2019) (discussing the standard of review and outlining the two-step analysis for motions under the First Step Act). The First Step Act did not require the court to reduce Binion’s sentence, even if he was eligible. § 404(c), 132 Stat. at 5222 (“Nothing in this section shall be construed to require a court to reduce any sentence pursuant to this section.”). And the court did more than enough by considering the statutory sentencing factors before making a decision. *See* 18 U.S.C. § 3553(a); *United States v. Moore*, 963 F.3d 725, 727 (8th Cir. 2020) (explaining that, in reviewing a First Step Act motion, “a district court may, but need not, consider the section 3553 factors”).

We accordingly affirm the judgment of the district court and grant counsel permission to withdraw.
