

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-7717

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BENJAMIN A. GIBBS, a/k/a Hev, a/k/a Bubba,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Beaufort.
Richard Mark Gergel, District Judge. (9:98-cr-00322-RMG-2)

Submitted: June 29, 2022

Decided: July 7, 2022

Before KING, AGEE, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Jeremy A. Thompson, Assistant Federal Public Defender, Columbia, South Carolina, for Appellant. M. Rhett DeHart, Acting United States Attorney, Emily Evans Limehouse, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Benjamin A. Gibbs appeals the district court's order denying his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i). We review a district court's decision on the scope of its authority to grant relief pursuant to 18 U.S.C. § 3582(c)(1)(A) de novo, *United States v. McCoy*, 981 F.3d 271, 280 (4th Cir. 2020), and its denial of a compassionate release motion for abuse of discretion, *United States v. Kibble*, 992 F.3d 326, 329 (4th Cir.), *cert. denied*, 142 S. Ct. 383 (2021).

Here, the district court properly understood its scope of authority to consider whether Gibbs' alleged loss of time credit constituted an extraordinary and compelling reason, and it did not erroneously rely on U.S. Sentencing Guidelines Manual § 1B1.13 (2018). *See Kibble*, 992 F.3d at 332 (affirming denial of compassionate release motion, despite district court's error in applying USSG § 1B1.13, based on district court's consideration of asserted circumstances and conclusion that 18 U.S.C. § 3553(a) factors counseled against sentence reduction). Moreover, the district court did not abuse its discretion and sufficiently explained the reasons for denying Gibbs' motion. *See United States v. High*, 997 F.3d 181, 188-91 (4th Cir. 2021) (discussing amount of explanation required for denial of compassionate release motion).

Accordingly, we affirm the district court's order. *United States v. Gibbs*, No. 9:98-cr-00322-RMG-2 (D.S.C. Nov. 3, 2020). 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