

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 21-6052**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DONOVAN DAVE DIXON,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at  
Wilmington. James C. Dever III, District Judge. (7:16-cr-00030-D-1)

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Submitted: June 29, 2021

Decided: July 2, 2021

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Before HARRIS, RICHARDSON, and RUSHING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Donovan Dave Dixon, Appellant Pro Se. Joshua L. Rogers, Assistant United States  
Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina,  
for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Donovan Dave Dixon appeals the district court's order denying his motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A), as amended by the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194. We review the district court's order for abuse of discretion. *See United States v. Kibble*, 992 F.3d 326, 329 (4th Cir. 2021). "A district court abuses its discretion when it acts arbitrarily or irrationally, fails to consider judicially recognized factors constraining its exercise of discretion, relies on erroneous factual or legal premises, or commits an error of law." *United States v. Dillard*, 891 F.3d 151, 158 (4th Cir. 2018) (internal quotation marks omitted). Our review of the record shows that the district court properly considered the circumstances presented by the pandemic, Dixon's age and health conditions, and the 18 U.S.C. § 3553(a) factors, before denying Dixon's motion. Therefore, we affirm the district court's order. We deny Dixon's motion for default judgment. 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*