

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 21-6763**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARQUITA LEIGH MEREDITH, a/k/a Baby Girl,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at  
Newport News. Rebecca Beach Smith, Senior District Judge. (4:19-cr-00061-RBS-RJK-  
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Submitted: November 30, 2021

Decided: December 9, 2021

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Before NIEMEYER, DIAZ, and QUATTLEBAUM, Circuit Judges.

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Vacated and remanded by unpublished per curiam opinion.

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Marquita Leigh Meredith, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marquita Leigh Meredith appeals the district court's order denying her 18 U.S.C. § 3582(c)(1)(A)(i) motion for compassionate release, as well as the court's orders denying reconsideration of this ruling. Before seeking compassionate release in the district court, an inmate must satisfy the threshold requirement of 18 U.S.C. § 3582(c)(1)(A). However, as we recently held, this requirement is nonjurisdictional and, thus, subject to forfeiture or waiver if not timely raised. *See United States v. Muhammad*, 16 F.4th 126, 129-30 (4th Cir. 2021).

Here, the district court sua sponte raised the threshold requirement and denied Meredith's compassionate release motion on the basis that she did not satisfy it. In light of our ruling in *Muhammad*, we hold that the district court erred in so denying Meredith's motion.\* *See id.* at 130. Accordingly, we vacate the district court's initial, dispositive order and remand for further proceedings. 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.

*VACATED AND REMANDED*

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\* We offer no criticism of the district court, which did not have the benefit of our ruling in *Muhammad* when it reached this conclusion.