

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-7201

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TERAINO JOHNSON,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore.
Richard D. Bennett, Senior District Judge. (1:18-cr-00567-RDB-2)

Submitted: December 16, 2021

Decided: December 20, 2021

Before WYNN and RICHARDSON, Circuit Judges, and KEENAN, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Teraino Johnson, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Teraino Johnson appeals the district court's order denying his second 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, § 603(b)(1), 132 Stat. 5194, 5239. Although the district court incorrectly determined that U.S. Sentencing Guidelines Manual § 1B1.13, p.s., is controlling, *see United States v. McCoy*, 981 F.3d 271, 280-84 (4th Cir. 2020), we conclude that the district court did not abuse its discretion in denying Johnson's motion on the ground that the 18 U.S.C. § 3553(a) factors do not support his early release. *See United States v. Kibble*, 992 F.3d 326, 329 (4th Cir. 2021) (per curiam) (stating standard), *cert. denied*, No. 21-5624, 2021 WL 4733616 (U.S. Oct. 12, 2021); *United States v. High*, 997 F.3d 181, 186-87, 191 (4th Cir. 2021) (affirming order denying compassionate release based on balancing of § 3553(a) factors). Accordingly, we affirm the district court's 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