

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-7004

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LAVERN JUNIOR JACOBS,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at
Charlotte. Kenneth D. Bell, District Judge. (3:04-cr-00277-KDB-DCK-1)

Submitted: February 15, 2024

Decided: February 27, 2024

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

Affirmed by unpublished per curiam opinion.

ON BRIEF: Michael R. Dreeben, Washington, D.C., L. Nicole Allan, O'MELVENY &
MYERS LLP, San Francisco, California, for Appellant. Dena J. King, United States
Attorney, Charlotte, North Carolina, Amy E. Ray, Assistant United States Attorney,
OFFICE OF THE UNITED STATES ATTORNEY, Asheville, North Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lavern Junior Jacobs* appeals the district court's order denying his 18 U.S.C. § 3582(c)(1)(A) motion for compassionate release. We review a district court's order denying a compassionate release motion for abuse of discretion. *United States v. Centeno-Morales*, 90 F.4th 274, 280 (4th Cir. 2024). The district court denied the compassionate release motion after evaluating Jacobs' individual circumstances—including his vaccination status, the vaccination rate at the facility where he was incarcerated, the continued risk of severe illness if he contracted COVID-19, his criminal history and disciplinary infractions, and his rehabilitation efforts—and determined that Jacobs had not demonstrated extraordinary and compelling circumstances warranting release. *See United States v. Brown*, 78 F.4th 122, 128-29 (4th Cir. 2023). We have reviewed the parties' briefs and the record and conclude that the district court did not abuse its discretion. *See United States v. High*, 997 F.3d 181, 185, 187 (4th Cir. 2021) (discussing standard of review). We therefore affirm the district court's order. 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

* The record includes more than one spelling of Jacobs' first name. We have retained the spelling used by the district court for consistency.