

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-7254

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUSTICE DEVON PRICE, a/k/a Kithe,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at
Wilmington. James C. Dever III, District Judge. (7:14-cr-00078-D-2)

Submitted: March 27, 2023

Decided: May 8, 2023

Before WYNN, DIAZ, and RUSHING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Justice Devon Price, Appellant Pro Se. John Parks Newby, Assistant United States
Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina,
for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Justice Devon Price appeals the district court's order denying his motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). We review the denial of such motions for abuse of discretion. *United States v. Malone*, 57 F.4th 167, 172 (4th Cir. 2023). “[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. Hargrove*, 30 F.4th 189, 195 (4th Cir. 2022) (internal quotation marks omitted). Upon review, we conclude that the district court did not abuse its discretion by finding that, assuming Price had established extraordinary and compelling reasons for release, the 18 U.S.C. § 3553(a) factors weighed against granting him relief. We therefore deny Price's motion for appointment of counsel and 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

* Although the district court denied Price's 28 U.S.C. § 2255 motion in the same order, Price does not assign error to that decision. Thus, we do not reach that portion of the district court's order. *See* 4th Cir. R. 34(b); *Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014) (limiting this Court's review to issues preserved in informal brief).