

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-6450

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DUSHAWN L. GARDNER, a/k/a Michael Archer, a/k/a Black, a/k/a Shawn,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Greenville. James C. Dever III, District Judge. (4:95-cr-00041-D-5)

Submitted: July 25, 2023

Decided: July 28, 2023

Before WYNN and HEYTENS, Circuit Judges, and FLOYD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Dushawn Levert Gardner, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dushawn Levert Gardner appeals the district court's order denying his 18 U.S.C. § 3582(c)(1)(A) motion for compassionate release. After review of the record, we conclude that the district court did not abuse its discretion in determining that such release was not warranted in light of relevant 18 U.S.C. § 3553(a) factors after balancing those factors against Gardner's medical conditions and the conditions of his confinement, the COVID-19 pandemic, Gardner's rehabilitative efforts, release plan, recidivism risk, age at the time of his criminal conduct, and his arguments about the need to avoid unwarranted sentencing disparities. *See United States v. Bethea*, 54 F.4th 826, 831, 834 (4th Cir. 2022) (noting standard of review, conclusions district court must draw to grant motion, and guideposts for determining whether court has abused its discretion in considering 18 U.S.C. § 3553(a) factors). Accordingly, we affirm the court's order. *United States v. Gardner*, No. 4:95-cr-00041-D-5 (E.D.N.C. Apr. 28, 2023). 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