NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with Fed. R. App. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted March 10, 2023*
Decided March 13, 2023

Before

FRANK H. EASTERBROOK, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 22-3272

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

VERNON CHAPMAN,
Defendant-Appellant.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 10 CR 961

Sharon Johnson Coleman, *Judge*.

O R D E R

Last year we held that the district court did not abuse its discretion in denying Vernon Chapman's motion for compassionate release under 18 U.S.C. §3582(c)(1). *United States v. Chapman*, No. 21-1338 (7th Cir. Feb. 1, 2022) (nonprecedential disposition). Chapman promptly filed another motion, contending that his original sentence should have been shorter and that he remains at risk of COVID-19 in prison even after

* This appeal has been referred to the panel that resolved Chapman's appeal from an earlier denial of compassionate release. See Operating Procedure 6(b). As Circuit Judge Jackson-Akiwumi is unavailable, the appeal is being resolved by a quorum of the panel. 28 U.S.C. §46(d). After examining the briefs and the record, we have concluded that oral argument is unnecessary. See Fed. R. App. P. 34(a); Cir. R. 34(f).

being fully vaccinated and receiving a booster. The district court denied this renewed motion, and Chapman has appealed again.

Chapman has not supplied or cited to any data suggesting that prisoners who have been fully vaccinated against COVID-19 are at risk of serious illness should they become "breakthrough" cases who contract the disease despite the vaccinations. Nor does Chapman suggest that medical data show that he is at greater risk of COVID-19 in prison than he would be outside, which means that releasing him would not produce a medical benefit to offset the loss in punishment and deterrence. The district judge did not abuse her discretion in denying Chapman's motion for release.

The judge observed that Chapman's additional ground is not properly presented, because he has not exhausted his administrative remedies on this subject. See *United States v. Williams*, 987 F.3d 700 (7th Cir. 2021). The judge added that this ground also does not identify anything "extraordinary and compelling". We have repeatedly held that disputes about the propriety of a sentence must be raised on direct appeal or by motion under 28 U.S.C. §2255 or a statute such as the First Step Act that allows retroactive reassessment of the appropriate sentence. See, e.g., *United States v. Thacker*, 4 F.4th 569 (7th Cir. 2021); *United States v. Von Vader*, 58 F.4th 369 (7th Cir. 2023).

These decisions apply to Chapman with full force. So even if Chapman had exhausted all administrative remedies, he could not obtain compassionate relief by contending that his original sentence was too long. That is just not the sort of claim for which §3582(c)(1) was designed. And, because the judge found that the threshold of an "extraordinary and compelling" reason has not been satisfied, the judge did not need to canvass the criteria in 18 U.S.C. §3553(a) that would be pertinent if resentencing were called for. See *United States v. King*, 40 F.4th 594 (7th Cir. 2022).

AFFIRMED