

NONPRECEDENTIAL DISPOSITION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 February 16, 2024*
Decided February 20, 2024

Before

MICHAEL Y. SCUDDER, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 23-2082

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

MICHAEL J. GROMMET,
Defendant-Appellant.

Appeal from the United States District
Court for the Central District of Illinois.

No. 19-cr-40064-001

Sara Darrow,
Chief Judge.

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

ORDER

Michael Grommet, a federal prisoner, appeals the denial of his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i). Because the district court permissibly concluded that his release was not justified under the sentencing factors listed in 18 U.S.C. § 3553(a), we affirm.

After a jury found Grommet guilty of conspiring to distribute methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), 846, the district court sentenced him within the guidelines range to 30 years' imprisonment. At sentencing, the court acknowledged that Grommet had experienced childhood trauma and had struggled with substance abuse. But the court explained that these considerations did not justify a below-guidelines sentence given Grommet's "uninterrupted pattern of criminal conduct." That pattern, the court said, showed that his previous prison sentences "had zero deterrent effect" on his behavior. Because Grommet posed "the most severe risk to recidivate" that the court had "seen in a long time," the court imposed a 30-year sentence to "break this cycle of constant criminal conduct" and protect the public. Grommet appealed but later filed a motion to dismiss his appeal voluntarily, *see* FED. R. APP. P. 42(b)(2), which we granted.

Just eight months after his sentencing, Grommet asked the district court for compassionate release based on his assertion that he was the only available caregiver for his children. The court denied the motion, noting first that the children's mother appeared to be available to care for them. In addition, the court ruled, releasing Grommet eight months into a 30-year sentence would conflict with sentencing factors under 18 U.S.C. § 3553(a). *See* 18 U.S.C. § 3582(c)(1)(A) (stating that the court may reduce a term of imprisonment only after considering the factors set forth in section 3553(a)). In the court's words, releasing Grommet would "undermine the seriousness of his offense and the need to promote deterrence" and "fail to protect the public from further crimes."

Six months later, Grommet unsuccessfully moved again for compassionate release. He repeated that he was the only available caregiver for his children and added that release was justified because his prison conditions were harsh and he had an increased risk of severe complications from COVID-19 based on his health. In denying the motion, the court concluded that even if Grommet had identified "extraordinary and compelling reasons" to shorten his sentence, *see* 18 U.S.C. § 3582(c)(1)(A), releasing him still conflicted with the § 3553(a) sentencing factors. The court repeated its

explanation that releasing Grommet at this early juncture would undermine goals of deterrence and would fail to protect the public.

On appeal, Grommet first argues that his reasons for release are “extraordinary and compelling” under the recently amended Sentencing Guidelines. *See* U.S.S.G. § 1B1.13(b)(1), (3), (5). We need not address that argument because the district court did not—and did not have to—rule on it. Rather, the district court concluded that, in any event, releasing Grommet would conflict with the sentencing factors—a determination that provides an independent basis to deny compassionate release. *United States v. Williams*, 65 F.4th 343, 349 (7th Cir. 2023).

Grommet next argues that the court abused its discretion in analyzing the sentencing factors, but we disagree. He says that the court should have amended his “draconian” sentence because, he contends, it is disproportionately long compared to the sentences imposed on his co-conspirators. We put to the side the question whether, under the amended Sentencing Guidelines and in connection with the § 3553(a) factors, a compassionate-release motion is the proper place for this sentencing argument, which Grommet could have raised on direct appeal. *See United States v. Martin*, 21 F.4th 944, 946 (7th Cir. 2021). Regardless, the court had “broad discretion” to assess the sentencing factors, *Williams*, 65 F.4th at 349, and it reasonably concluded, based on Grommet’s undeterred and long criminal past, that he remained a threat to the public and needed the deterrence effect of a 30-year prison term. “[J]ust one good reason for denying a compassionate-release motion suffices,” *id.* (citation omitted), and the court more than satisfied that requirement here.

We have considered Grommet’s remaining arguments; none merits discussion.

AFFIRMED