

**NONPRECEDENTIAL DISPOSITION**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 May 10, 2024\*

Decided May 10, 2024

**Before**

FRANK H. EASTERBROOK, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 23-2718

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

*v.*

DAVON BROWN,  
*Defendant-Appellant.*

Appeal from the United States District  
Court for the Southern District of  
Indiana, Indianapolis Division.

No. 1:19-cr-00148-TWP-MJD

Tanya Walton Pratt,  
*Chief Judge.*

**ORDER**

Davon Brown, a federal prisoner with severe health complications, appeals from an order denying compassionate release. The district court determined that, even if

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\* 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).

Brown could show that his medical circumstances were extraordinary and compelling, the sentencing factors of 18 U.S.C. § 3553(a) weighed against early release. We affirm.

Brown was charged in 2019 with attempting to possess with intent to distribute 500 grams or more of methamphetamine. *See* 21 U.S.C. §§ 841(a), 846. The district court sentenced him in January 2023 to 120 months' imprisonment and 5 years' supervised release for the principal offense and an additional 30 months' imprisonment (because he committed the charged offense while on supervised release), to run consecutively.

Brown moved for compassionate release in April 2023. In his motion, Brown cited his extensive health problems—including late-stage cancer, uncontrolled diabetes (which also resulted in near blindness), glaucoma, severe obesity, and pancreatitis. The previous year he had been diagnosed with a soft-tissue sarcoma in his right knee. Doctors removed that mass, but scans taken in January 2023—shortly after his sentencing—revealed lesions in his liver that correlated with stage IV cancer. In arguing that he presented extraordinary and compelling circumstances to warrant compassionate release, Brown relied on the combination of his health conditions, the physical consequences of undergoing radiation and chemotherapy, and the heightened risk he faced from a COVID infection because he is immunocompromised.

The court denied Brown's motion. The court assumed without deciding that he had established extraordinary and compelling reasons justifying compassionate release but determined that the § 3553(a) factors counseled against early release. The court explained that Brown committed a serious crime (the distribution scheme involved over 18 kilograms of methamphetamine), had a lengthy and extensive criminal history (including prior drug trafficking offenses and a felony conviction for aggravated assault), committed the instant offense while on supervised release, and had served only 26 months of his 150-month prison sentence.

On appeal, Brown reiterates that he faces a dire medical prognosis. He does not, however, contend that the court abused its discretion by denying his motion based on the § 3553(a) factors. Although Brown's declining health warrants sympathy, he does not challenge the basis for the district court's decision. *See Anderson v. Hardman*, 241 F.3d 544, 545 (7th Cir. 2001). Regardless, the district court needed only "one good reason" for denying Brown's motion, *United States v. Ugbah*, 4 F.4th 595, 598 (7th Cir. 2021), and here the court highlighted the seriousness of his crime and his substantial criminal history.

AFFIRMED