

[UNPUBLISHED]

**IN THE UNITED STATES COURT OF
APPEALS FOR THE SEVENTH CIRCUIT
CHICAGO, ILLINOIS 60604**

No. 21-1361

UNITED STATES OF AMERICA,
Plaintiff - Appellee,

versus

JOHN J. WATFORD,

Defendant - Appellant.

Appeal from the United States District Court for the
Northern District of Indiana, South Bend Division.

No. 3:97-cr-26(2) RLM

Submitted July 26, 2021
Decided August 2, 2021

Before FRANK H. EASTERBROOK, DIANE P.
WOOD and MICHAEL Y. SCUDDER, Circuit
Judges.

ROBERT L. MILLER, JR., Judge.

ORDER

John Watford appeals the denial of his motion seeking compassionate release based on an amendment in the First Step Act of 2018 limiting the circumstances in which enhanced sentences may be imposed for multiple violations of 18 U.S.C. § 924(c). *See* Pub. L. No. 115-391, § 403, 132 Stat. 5194, 5221–22. This amendment would hypothetically have reduced Watford’s sentence for his three § 924(c) convictions from 45 years’ imprisonment to 15, but the change is not retroactive. *Id.* Watford nevertheless argued that the amendment and his personal characteristics were together “extraordinary and compelling reasons” for a reduced sentence under 18 U.S.C. § 3582(c)(1)(A)(i). The district court concluded that it lacked the authority to grant compassionate release based on the amendment.

Watford has moved twice for summary reversal, suggesting the district judge’s decision was contrary to our precedent. But we have since confirmed that a reason for a sentence reduction under § 3582(c)(1)(A)(i) “cannot include, whether alone or in combination with other factors, consideration of the First Step Act’s amendment to § 924(c).” *United States v. Thacker*, No. 20-2943, 2021 WL 2979530, at *6 (7th Cir. July 15, 2021). The government has thus suggested summary affirmance is instead appropriate.

We agree with the government. Watford argues that *Thacker* does not control because he did not rely solely on the amendment, but we also precluded combining the amendment with other factors. The

district judge could grant Watford's motion only if his other reasons were "extraordinary and compelling" independent of the amendment. They were not. Watford pointed to his age at the time of the offense, the sheer length of time he has served and will serve, and his codefendant's much shorter sentence. These factors are no reason to reduce a sentence because they were known at the time it was imposed. He otherwise relies on his rehabilitation while in prison. But even assuming rehabilitation can support compassionate release in the abstract, we conclude it did not do so here. The district judge's opinion makes clear that he considered Watford's efforts to be commendable but not extraordinary. The judge noted that Watford had multiple significant infractions while in prison, even if none in the last decade. He weighed this history against Watford's efforts to gain educational and job skills but could say only that Watford "appears to pose a lower than average risk of crime today." That conclusion was not an abuse of discretion.

Accordingly, the motion for summary reversal is DENIED and the district court's judgment is summarily AFFIRMED.