

United States Court of Appeals
For the Eighth Circuit

No. 20-1310

United States of America

Plaintiff - Appellee

v.

Jack Lee Phillips

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Davenport

Submitted: October 27, 2020

Filed: November 3, 2020

[Unpublished]

Before LOKEN, GRUENDER, and GRASZ, Circuit Judges.

PER CURIAM.

Jack Phillips appeals the district court's¹ order denying in part his motions for relief under the First Step Act of 2018 (FSA). *See* Pub. L. No. 115-391, 132 Stat.

¹The Honorable James E. Gritzner, United States District Judge for the Southern District of Iowa.

5194. The district court determined that Phillips was eligible for relief under the FSA and reduced his term of supervised release, but declined to reduce his prison sentence.

Phillips argues the district court abused its discretion in failing to reduce his prison sentence. The record reflects the district court carefully considered a number of factors in reaching its decision, and we conclude the district court did not abuse its discretion. *See United States v. McDonald*, 944 F.3d 769, 771 (8th Cir. 2019) (standard of review).

Phillips also argues the district court made various errors in the original sentencing proceedings. We conclude these arguments lack merit, as prisoners seeking sentence reductions under the FSA are not entitled to a plenary re-sentencing hearing and may not raise challenges to their original sentences. *See United States v. Moore*, 963 F.3d 725, 728 (8th Cir. 2020) (contrasting plenary imposition of original sentence with discretionary imposition of reduced sentence under the FSA); *see also United States v. Denson*, 963 F.3d 1080, 1089 (11th Cir. 2020) (noting sentencing modifications under the FSA are not concerned with “errors” during the original sentencing). Accordingly, we affirm the judgment of the district court, and grant counsel permission to withdraw.
