

United States Court of Appeals
For the Eighth Circuit

No. 20-2699

United States of America

Plaintiff - Appellee

v.

Jerrell Moore, also known as Jerrell Ramon Moore

Defendant - Appellant

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

Submitted: May 13, 2021

Filed: May 18, 2021

[Unpublished]

Before COLLOTON, SHEPHERD, and GRASZ, Circuit Judges.

PER CURIAM.

Jerrell Moore appeals after the district court¹ denied his motion seeking a sentence reduction under the First Step Act. His counsel has moved for leave to withdraw, and has filed a brief challenging the denial. Moore has filed a pro se brief.

Upon careful review, we conclude that the district court did not abuse its discretion in denying Moore a sentence reduction. See United States v. McDonald, 944 F.3d 769, 771 (8th Cir. 2019) (defendant's eligibility for reduced sentence under First Step Act is reviewed de novo, and district court's decision to grant or deny authorized sentence reduction is reviewed for abuse of discretion); United States v. Williams, 943 F.3d 841, 844 (8th Cir. 2019) (sentencing court must have considered the parties' arguments and have a reasoned basis for its decision); see also United States v. Banks, 960 F.3d 982, 984 (8th Cir. 2020) (this court presumes that district court has considered arguments raised by defendant).

To the extent Moore challenges the Guidelines calculations in his original sentencing proceeding, we conclude such challenges may not be raised in this limited resentencing proceeding. See United States v. Moore, 963 F.3d 725, 728 (8th Cir. 2020) (resentencing under First Step Act is not plenary like original sentencing proceeding).

Accordingly, we affirm the judgment of the district court and grant counsel permission to withdraw.

¹The Honorable John A. Jarvey, Chief Judge, United States District Court for the Southern District of Iowa.