

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 21-6117**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVON PERRY,

Defendant - Appellant.

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Appeal from the United States District Court for the District of Maryland, at Baltimore.  
Stephanie A. Gallagher, District Judge. (1:08-cr-00165-SAG-1)

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Submitted: July 20, 2021

Decided: July 23, 2021

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Before WILKINSON, AGEE, and DIAZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Davon Perry, Appellant Pro Se. Annie Meredith McGuire, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Davon Perry appeals the district court's order denying his motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A), as amended by the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194. We review the district court's order for abuse of discretion. *See United States v. Kibble*, 992 F.3d 326, 329 (4th Cir. 2021). "A district court abuses its discretion when it acts arbitrarily or irrationally, fails to consider judicially recognized factors constraining its exercise of discretion, relies on erroneous factual or legal premises, or commits an error of law." *United States v. Dillard*, 891 F.3d 151, 158 (4th Cir. 2018) (internal quotation marks omitted). Our review of the record confirms that the district court properly considered the circumstances presented by the pandemic, Perry's health conditions, and the 18 U.S.C. § 3553(a) factors, before denying Perry's motion. Therefore, we affirm the district court's order. We deny Perry's motion to appoint counsel. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*AFFIRMED*