

NOT FOR PUBLICATION

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 25-12687  
Non-Argument Calendar

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UNITED STATES OF AMERICA,

*Plaintiff-Appellee,*

*versus*

LONNIE LEE CODE,

*Defendant-Appellant.*

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Appeal from the United States District Court  
for the Middle District of Florida  
D.C. Docket No. 8:02-cr-00009-SDM-UAM-2

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Before JILL PRYOR, NEWSOM, and BRANCH, Circuit Judges.

PER CURIAM:

Lonnie Code, a federal prisoner represented by counsel, appeals the district court's denial of his motion for compassionate release under the First Step Act. Code argues that the district court

abused its discretion by evaluating whether the 18 U.S.C. § 3553(a) factors favored keeping him incarcerated before considering whether he presented an extraordinary and compelling reason for compassionate release.

We review a district court’s denial of a prisoner’s 18 U.S.C. § 3582(c)(1)(A) motion for abuse of discretion. *United States v. Harris*, 989 F.3d 908, 911 (11th Cir. 2021). A district court abuses its discretion if it applies an incorrect legal standard, follows improper procedures in making its determination, makes clearly erroneous factual findings, or commits a clear error of judgment. *Id.* at 911–12.

Under the First Step Act, a defendant may file a motion for compassionate release. *See* First Step Act of 2018, Pub. L. No. 115-391, § 603, 132 Stat. 5194, 5238–39 (“First Step Act”); 18 U.S.C. § 3582(c)(1)(A). And consistent with § 3582(c)(1)(A), a district court may reduce a defendant’s sentence if “(1) the § 3553(a) sentencing factors favor doing so, (2) there are ‘extraordinary and compelling reasons’ for doing so, and . . . (3) doing so wouldn’t endanger any person or the community within the meaning of [U.S.S.G.] § 1B1.13’s policy statement.” *United States v. Tinker*, 14 F.4th 1234, 1237 (11th Cir. 2021).

A district court need not consider these conditions “in any particular order.” *Id.* And because a district court can grant a compassionate-release motion only if it finds that all three conditions are met, a district court may end its analysis and “skip assessment

of another condition” once it finds that “at least one of the compassionate-release conditions [is] not satisfied.” *Id.* at 1238; *see also United States v. Giron*, 15 F.4th 1343, 1347–48 (11th Cir. 2021). So a district court may assume that extraordinary and compelling reasons exist for releasing a prisoner and nevertheless deny his compassionate-release motion because the § 3553(a) factors weigh against release. *Tinker*, 14 F.4th at 1237–40.<sup>1</sup> Put differently, “a district court doesn’t procedurally err when it denies a request for compassionate release based on the § 3553(a) sentencing factors . . . without first explicitly determining whether the defendant could present ‘extraordinary and compelling reasons.’” *Id.* at 1240.

This Court’s precedent forecloses Code’s argument that the district court erred—or “improperly shifted the burden” of proof, Br. of Appellant at 10—by considering the § 3553(a) factors before addressing Code’s asserted extraordinary and compelling reasons for compassionate release. Contrary to Code’s contention, the district court had discretion to start its analysis by evaluating whether the § 3553(a) sentencing factors supported releasing him. *Tinker*, 14 F.4th at 1237, 1240. And once the district court found that they did not, it could end its analysis. *See Tinker*, 14 F.4th at 1237–38; *see also Giron*, 15 F.4th at 1347–48. Thus, Code’s arguments on appeal

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<sup>1</sup> The § 3553(a) factors include “the nature and circumstances” of the defendant’s offense, his “history and characteristics,” as well as the need for the defendant’s sentence to “reflect the seriousness of the offense,” “promote respect for the law,” “provide just punishment for the offense,” deter criminal conduct, and protect the public from the defendant’s future criminal conduct. 18 U.S.C. § 3553(a)(1), (2)(A)–(C).

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are meritless, and we affirm the district court's denial of his compassionate-release motion.

**AFFIRMED.**