

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-10843
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

VANESSA VANLY KAISER,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 9:24-cr-80069-AMC-1

Before JORDAN, ABUDU, and KIDD, Circuit Judges.

PER CURIAM:

Vanessa Vanley Kaiser, a federal prisoner proceeding *pro se*,
appeals the district court's denial of her motion for compassionate

release under 18 U.S.C. § 3582(c)(1)(A).¹ The government moves for summary affirmance. After careful review, we grant the government’s motion and affirm.

Summary disposition is appropriate in several situations, including where “the position of one of the parties is clearly right as a matter of law so that there can be no substantial question as to the outcome of the case” *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).² “We review *de novo* whether a defendant is eligible for a sentence reduction under 18 U.S.C. § 3582(c)(1)(A).” *United States v. Giron*, 15 F.4th 1343, 1345 (11th Cir. 2021). “After eligibility is established, we review the district court’s denial of a prisoner’s § 3582(c)(1)(A) motion for an abuse of discretion.” *Id.* In applying these standards, we liberally construe the filings of *pro se* parties. *United States v. Webb*, 565 F.3d 789, 792 (11th Cir. 2009); *Wright v. Newsome*, 795 F.2d 964, 967 (11th Cir. 1986).

Section 3582(c)(1)(A) gives a district court authority to reduce a defendant’s sentence where three conditions are present: “(1) the [18 U.S.C.] § 3553(a) sentencing factors favor doing so, (2) there are ‘extraordinary and compelling’ reasons for doing so,

¹ While Section 3582(c)(1) does not use the term “compassionate release,” we use the statutory citation and that phrase interchangeably. See, e.g., *Concepcion v. United States*, 597 U.S. 481, 495 (2022) (noting that § 3582(c)(1)(A) “permit[s] district courts to grant compassionate release in certain circumstances”).

² Decisions of the United States Court of Appeals for the Fifth Circuit issued “prior to the close of business” September 30, 1981, are binding on this Court. *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (*en banc*).

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) (quoting 18 U.S.C. § 3582(c)(1)(A)); *see also United States v. Bryant*, 996 F.3d 1243, 1249–50 (11th Cir. 2021), *superseded in part on other grounds by* U.S.S.G. § 1B1.13 (2023). Because all three conditions are necessary, the absence of any one condition forecloses a sentence reduction. *Tinker*, 14 F.4th at 1237–38, 1240.

Here, the district court did not err in ruling on the second of these three conditions, *see id.* at 1237, and concluding that Kaiser had not shown an extraordinary and compelling reason for her release.³ Kaiser's primary argument on this issue is that, at sentencing, she did not receive safety-valve relief for which she was eligible. However, she did receive the benefit of safety valve relief; her offense level was reduced by two and the presentence investigation report acknowledged that the district court was not bound by the otherwise-applicable statutory mandatory minimum. *See* 18 U.S.C. § 3553(f); U.S.S.G. §§ 2D1.1(b)(18), 5C1.2. For these

³ The government separately argues that summary affirmance is appropriate because, on appeal, Kaiser has abandoned any challenge to the district court's ruling on the 18 U.S.C. § 3553(a) factors. *See Tinker*, 14 F.4th at 1237. This argument does not warrant summary affirmance because it is incorrect. We liberally construe *pro se* filings and, within her appellate brief, Kaiser cites § 3553(a) and presents arguments about relevant § 3553(a) factors, meaning that she did not abandon this prong. *See Webb*, 565 F.3d at 792; *Wright*, 795 F.2d at 967. Nonetheless, the government's argument on the extraordinary and compelling reason prong warrants summary affirmance, for the reasons discussed above.

reasons, even though the district court ultimately sentenced Kaiser to a guidelines sentence of 73 months, which was higher than the 5-year mandatory minimum, Kaiser did in fact receive the benefit of the safety valve. On this record, therefore, any issue about the safety-valve does not constitute an extraordinary and compelling reason under U.S.S.G. § 1B1.13(b)(5), as the district court explained.⁴ In addition, Kaiser’s arguments about her rehabilitation cannot, alone, constitute an extraordinary and compelling reason for compassionate release. U.S.S.G. § 1B1.13(d) (“[R]ehabilitation of the defendant is not, by itself, an extraordinary and compelling reason for purposes of this policy statement.”).

For these reasons, the district court correctly concluded that Kaiser had not shown an extraordinary and compelling reason for her early release. Thus, “there can be no substantial question as to the outcome of the case,” so we **GRANT** the government’s motion for summary affirmance. *Groendyke Transp.*, 406 F.2d at 1162.

AFFIRMED.

⁴ Kaiser does not argue on appeal (and did not argue to the district court) that she could show an extraordinary and compelling reason for her release under U.S.S.G. § 1B1.13(b)(1)–(4). Nor is U.S.S.G. § 1B1.13(b)(6) applicable, by its terms, because Kaiser has not served 10 years of her sentence. *See* U.S.S.G. § 1B1.13(b)(6) (explaining that a defendant challenging her “unusually long sentence” must have completed “at least 10 years of the term of imprisonment”). Accordingly, we do not address these provisions further.