

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

United States of America,

v.

Case No. 18-cr-5-SM-1
Opinion No. 2025 DNH 010

Brian R. Sanborn

O R D E R

Defendant moves for compassionate release (18 U.S.C. § 3582(c)(1)(A)), arguing that his medical condition (diabetes) and inadequate medical care provide the necessary “extraordinary and compelling” reasons supporting sentence reduction under Section 3582.

Defendant was sentenced to 102 months of incarceration for possession with intent to distribute 5 grams or more of the controlled substance methamphetamine. Defendant pled guilty pursuant to a negotiated plea agreement under Federal Rule of Criminal Procedure 11(c)(1)(C). Three counts of the indictment were dismissed as part of the agreement. Defendant’s criminal history is extensive, scoring out at Level VI.


Even assuming that defendant’s medical condition and his dissatisfaction with the medical care he is receiving while incarcerated qualified as “extraordinary and compelling reasons” supporting sentence relief, the serious nature of the offense of conviction and the recidivist risks established by defendant’s criminal history preclude that relief. Defendant poses a

serious danger to the safety of others and the community. See U.S.S.G. § 1B1.13(a)(2); United States v. Truman, No. 1:17-CR-00073, 2020 WL 6806714 (D. Me. Nov. 19, 2020). And, early release in this case would not be consistent with the sentencing factors set out in 18 U.S.C. § 3555. Defendant's criminal conduct was serious, his sentence was below the Guideline recommendation, other charges were dismissed, and any further reduction on the grounds he posits would not serve the interests of imposing a just punishment or fostering both general and individual deterrence, United States v. Chambliss, 948 F.3d 691, 694 (5th Cir. 2020).

Conclusion

The motion for early release (doc. no. 39) under 18 U.S.C. § 3582, is denied.

SO ORDERED.


Steven J. McAuliffe
United States District Judge

January 30, 2025

cc: Counsel of Record
U.S. Probation
U.S. Marshal