

APPX A

United States of America, Appellee, v. Lenroy McLean, AKA Dean, Milton Samuels, AKA Scooby, Defendants-Appellants, Roberto Sanchez, Gabrielle Cohen-Sanchez, Wayne Mauricio Burke, AKA Enrique Nunes Arce, AKA Mauricio, Joseph Rivera, Robert Calcano, AKA Ralph, Defendants.

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

2023 U.S. App. LEXIS 31501
22-966(L), 22-1176(CON),* 22-1180(CON)

*

November 29, 2023, Decided

Notice:

PLEASE REFER TO FEDERAL RULES OF APPELLATE PROCEDURE RULE 32.1 GOVERNING THE CITATION TO UNPUBLISHED OPINIONS.

Editorial Information: Prior History

{2023 U.S. App. LEXIS 1} Appeal from an order of the United States District Court for the Southern District of New York (Sullivan, J.). *United States v. McLean*, 2022 U.S. Dist. LEXIS 69974, 2022 WL 1125946 (S.D.N.Y., Apr. 15, 2022)

Counsel

FOR APPELLEE: Michael D. Lockard and Stephen J. Ritchin, and Danielle R. Sassoon, Assistant United States Attorneys, for Damian Williams, United States Attorney for the Southern District of New York, New York, NY.

Lenroy McLean, DEFENDANT-APPELLANT, Pro se,
Seagoville, TX.

Judges: PRESENT: GERARD E. LYNCH, MICHAEL H. PARK, EUNICE C. LEE, Circuit Judges.

Opinion

SUMMARY ORDER

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the order of the district court is **AFFIRMED**.

Pro se Appellant Lenroy McLean appeals the district court's denial of his 18 U.S.C. § 3582(c)(1)(A) motion for a sentence reduction. McLean is currently serving a 228-month sentence for participating in a narcotics conspiracy that resulted in the distribution of over 150 kilograms of cocaine. See *United States v. Sanchez*, 419 F. App'x 27 (2d Cir. 2011) (discussing the background of the case on direct appeal). In his motion, McLean argued that his health conditions, the COVID-19 pandemic, his rehabilitation, his post-release plan, and the time he has already served warranted a sentence reduction. The district court denied his motion, reasoning that the severity of his offense, and the need {2023 U.S. App. LEXIS 2} for the sentence imposed to reflect that severity and provide a deterrent effect, outweighed the factors that might otherwise support a reduction. See *United States v. McLean*, No. 08-CR-789-7, 2022 U.S. Dist. LEXIS 69974, 2022 WL 1125946, at *5-6 (S.D.N.Y. Apr. 15, 2022). McLean now appeals, claiming that the district court abused its discretion in denying his motion. He contends that the district court incorrectly applied the § 3553(a) sentencing factors, failed to adequately consider his rehabilitation, family, and immigration status, and improperly

CIRHOT

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

Appx C

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 12th day of January, two thousand twenty-four.

United States of America,

Appellee,

v.

Roberto Sanchez, Gabrielle Cohen-Sanchez, Wayne
Mauricio Burke, AKA Enrique Nunes Arce, AKA
Mauricio, Joseph Rivera, Robert Calcano, AKA Ralph,

Defendants,

Lenroy McLean, AKA Dean, Milton Samuels, AKA
Scooby,

Defendants - Appellants.

ORDER

Docket Nos: 22-966 (Lead)

22-1176 (Con)

22-1180 (Con)

Appellant, Lenroy McLean, filed a petition for panel rehearing, or, in the alternative, for rehearing *en banc*. The panel that determined the appeal has considered the request for panel rehearing, and the active members of the Court have considered the request for rehearing *en banc*.

IT IS HEREBY ORDERED that the petition is denied.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

Catherine O'Hagan Wolfe

