

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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**No. 25-6730**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL KENNY CARTER, a/k/a Blaze,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at  
Columbia. Joseph F. Anderson, Jr., Senior District Judge. (3:17-cr-00351-JFA-1)

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Submitted: December 18, 2025

Decided: December 23, 2025

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Before NIEMEYER and BERNER, Circuit Judges, and TRAXLER, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Michael Kenny Carter, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Kenny Carter appeals the district court's order denying his 18 U.S.C. § 3582(c)(1)(A) motion for compassionate release. We review the denial of compassionate release under 18 U.S.C. § 3582(c)(1)(A) for abuse of discretion. *United States v. Brown*, 78 F.4th 122, 127 (4th Cir. 2023). "In doing so, we ensure that the district court has not acted arbitrarily or irrationally, has followed the statutory requirements, and has conducted the necessary analysis for exercising its discretion." *Id.* (citation modified).

"In analyzing a motion for compassionate release, district courts must determine: (1) whether extraordinary and compelling reasons warrant such a reduction; and (2) that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission." *United States v. Malone*, 57 F.4th 167, 173 (4th Cir. 2023). "Only after this analysis may the district court grant the motion if (3) the relevant 18 U.S.C. § 3553(a) factors, to the extent they are applicable, favor release." *Id.*

On appeal, Carter challenges the district court's conclusion that Carter's alleged sentencing disparity did not constitute an extraordinary and compelling reason for compassionate release. We find no abuse of discretion. The district court addressed Carter's argument and explained why the asserted sentencing disparity did not amount to an extraordinary and compelling reason to warrant compassionate release.

Accordingly, we affirm the district court's order. 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*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

|                          |   |                      |
|--------------------------|---|----------------------|
| UNITED STATES OF AMERICA | ) | CR No.: 3:17-351-JFA |
|                          | ) |                      |
| v.                       | ) | ORDER                |
|                          | ) |                      |
| MICHAEL KENNY CARTER     | ) |                      |
| _____                    | ) |                      |

This matter is before the court on Defendant Michael Carter’s *pro se* Motion for Compassionate Release. (ECF No. 427). Defendant pled guilty in 2018 to knowingly attempting to persuade, induce, and entice individuals who had not attained the age of 18 years to engage in a sexual activity, in violation of 18 U.S.C. § 2422(b). (ECF No. 34). He was sentenced to a total term of 240 months imprisonment, followed by a life term of supervised release, with standard and special conditions.<sup>1</sup> (ECF No. 45). The current motion is Carter’s most recent filings in a long line of attempts to have his sentence overturned, dismissed, set aside, or reduced. (*See* ECF Nos. 118, 122, 131, 207, 208, 244, 254, 260, 268, 280, 283, 291, 343, 352, 364, 378, 389, 395, 400, 409, & 415).

**I. LEGAL STANDARD**

*A. Exhaustion of Remedies*

Before a court may consider a defendant’s motion for compassionate release, the defendant must have completed the initial step of requesting that the BOP bring a motion on his behalf. The defendant may file a motion with the court: (1) after fully exhausting all

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<sup>1</sup> This matter was originally assigned to the Honorable J. Michelle Childs, who took Defendant’s guilty plea and sentenced him. The undersigned was reassigned this case on August 12, 2022, when Judge Childs was elevated to the D.C. Circuit Court of Appeals.

administrative rights to appeal; or (2) after the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier. *See United States v. Muhammad*, 16 F.4th 126, 129 (4th Cir. 2021); 18 U.S.C. § 3582(c)(1)(A).

It is unclear from the record whether Defendant has exhausted his administrative remedies on this claim; however, the Government has not responded to the instant motion or invoked the exhaustion of administrative remedies requirement. Therefore, the court deems it appropriate to proceed to the merits of Defendant's motion. *See Muhammad*, 16 F.4th at 130 ("Because the [exhaustion] requirement [under § 3582(c)(1)(A)] is not jurisdictional, it may be waived or forfeited.").

*B. Extraordinary and Compelling Reasons*

Courts may not modify a sentence once imposed with few exceptions. 18 U.S.C. § 3582(c). One exception is compassionate release under 18 U.S.C. § 3582(c)(1)(A), as amended by the First Step Act. To grant a compassionate release motion under § 3582(c)(1)(A)(i), the court must conduct a two-step analysis. *United States v. Centeno-Morales*, 90 F.4th 274, 279 (4th Cir. 2024). First, the court must find "extraordinary and compelling reasons" warranting a sentence reduction. *United States v. Hargrove*, 30 F.4th 189, 194–95 (4th Cir. 2022). After a district court finds that an "extraordinary and compelling" reason for sentence modification exists, it must then evaluate the relevant 18 U.S.C. § 3553(a) factors. *Id.* at 195. The defendant bears the burden of establishing that he is eligible for a sentence reduction under § 3582. *Centeno-Morales*, 90 F.4th at 279.

The court must also determine that such a reduction would be consistent with "applicable policy statements issued by the Sentencing Commission." *United States v.*

*Davis*, 99 F.4th 647, 654 (4th Cir. 2024). Relevant here, an amended Sentencing Guidelines policy statement, U.S.S.G. § 1B1.13(b), went into effect in November 2023 and provides criteria for determining the existence of extraordinary and compelling reasons for release. Generally, circumstances qualifying as extraordinary and compelling fall into several categories: (1) the defendant’s medical circumstances; (2) the defendant’s age; (3) the defendant’s family circumstances; (4) whether the defendant was the victim of certain abuse while in custody; (5) any other circumstances or combination of circumstances that, when considered by themselves or together with any of the preceding categories, are similar in gravity; and (6) an unusually long sentence if the defendant meets certain conditions. U.S.S.G. § 1B1.13(b).

## II. ANALYSIS

In his current Motion for Compassionate Release, Defendant insists his sentence of 240 months was “an inappropriate term of incarceration” for sex trafficking under 18 U.S.C. § 2422(b). (ECF No. 427 at 1). Specifically, Defendant avers his sentence constitutes an unwarranted and unjustified disparity from other sentences nationwide and in the Fourth Circuit for similar convictions. Stated differently, Defendant attempts to use § 3582(c)(1)(A) to have this court evaluate the suitability of the sentencing court’s findings. However, 28 U.S.C. § 2255 is “the exclusive method of collaterally attacking a federal conviction or sentence.” *United States v. Ferguson*, 55 F.4th 262, 270 (4th Cir. 2022). As such, a criminal defendant is foreclosed from the use of another mechanism, such as compassionate release, to sidestep § 2255’s requirements.” *Id.*

To be sure, a compassionate release motion may be used to challenge the length of a sentence where a change in the sentencing law that occurred after sentencing merited a reduction to conform to that change. But Defendant does not argue that such a change occurred. Instead, Defendant challenges the validity of his sentence at the time it was handed down. Regardless of how Defendant characterizes his request, the substance of the request controls. And an attack on a defendant's conviction or sentence is subject to the rules set forth in § 2255. In this case, Defendant already filed two § 2255 motions. The court denied both motions and the Fourth Circuit Court of Appeals agreed with the court's findings. (*See* ECF Nos. 122, 156, 254, & 320). Thus, any arguments he raises in the instant motion must be considered successive under 28 U.S.C. § 2255, and absent pre-filing authorization from the Court of Appeals, this court lacks jurisdiction to consider a successive petition.

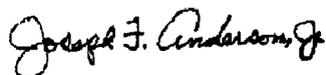
Because a motion for compassionate release cannot be used to challenge the validity of a sentence, Defendant's sentencing disparity argument is not an extraordinary and compelling reason for compassionate release. This is so even if the court agrees to Defendant's request to combine this claim with the bases set forth in Defendant's previous motions. Accordingly, Defendant has failed to show any extraordinary and compelling reason for modifying his sentence and his request for compassionate release must be denied. Further, as Defendant has not set forth any extraordinary and compelling reason to support his release, it is not necessary for the court to address the § 3553(a) factors.

### III. CONCLUSION

For the foregoing reasons, the court determines Defendant has not shown any extraordinary and compelling reason for reducing his current sentence. Accordingly, Defendant's Motion for Compassionate Release (ECF No. 427) is denied.

IT IS SO ORDERED.

July 31, 2025  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge