

**NOT RECOMMENDED FOR PUBLICATION**

No. 23-1169

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
Nov 30, 2023  
KELLY L. STEPHENS, Clerk

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff-Appellee,	)	
	)	
v.	)	ON APPEAL FROM THE UNITED
	)	STATES DISTRICT COURT FOR
	)	THE EASTERN DISTRICT OF
SONJA EMERY, aka Sonja Lee Robinson, aka	)	MICHIGAN
Sonjalee Emery-Robinson, aka Sonjalee Emery,	)	
	)	
Defendant-Appellant.	)	

**ORDER**

Before: NORRIS, MOORE, and COLE, Circuit Judges.

Sonja Emery, a pro se federal prisoner, appeals the district court’s order denying her motion for a sentence reduction filed under 18 U.S.C. § 3582(c)(1)(A). This case has been referred to a panel of the court that, upon examination, unanimously agrees that oral argument is not needed. *See* Fed. R. App. P. 34(a). Because the district court did not abuse its discretion in finding that the relevant sentencing factors weighed against release, we affirm.

For years, Emery misrepresented her identity and qualifications to secure employment and then failed to report much of her income to the Internal Revenue Service. In 2020, she pleaded guilty to wire and mail fraud and tax evasion, for which the district court sentenced her to 65 months in prison. She did not appeal.

In 2022, Emery moved for a sentence reduction, or “compassionate release,” under § 3582(c)(1)(A), which permits the district court to reduce a prisoner’s sentence if, after considering the sentencing factors in 18 U.S.C. § 3553(a) and applicable policy statements from the Sentencing Commission, the court finds that “extraordinary and compelling reasons warrant”

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it. Emery argued that her medical condition—blindness caused by temporal arteritis—combined with inadequate medical care in prison was an extraordinary and compelling circumstance meriting release. The district court denied the motion, concluding that the § 3553(a) sentencing factors did not support release. *United States v. Emery*, No. 18-20240, 2023 WL 168750, at \*2 (E.D. Mich. Jan. 12, 2023). Emery appeals, contesting the district court’s analysis of the § 3553(a) factors and its failure to consider her medical condition.

We review the denial of a compassionate-release motion under § 3582(c)(1)(A) for an abuse of discretion. *See United States v. Ruffin*, 978 F.3d 1000, 1005 (6th Cir. 2020). A district court may reduce a defendant’s sentence if it finds that (1) “extraordinary and compelling reasons warrant such a reduction,” (2) “a reduction is consistent with applicable policy statements issued by the Sentencing Commission,” and (3) the § 3553(a) factors, to the extent applicable, support a reduction. 18 U.S.C. § 3582(c)(1)(A); *see Ruffin*, 978 F.3d at 1004-05. Because no policy statement applied to defendant-filed motions for compassionate release when Emery filed, and the district court considered, her motion, the second requirement plays no role. *See United States v. Elias*, 984 F.3d 516, 519 (6th Cir. 2021). “[D]istrict courts may deny compassionate-release motions when any of the three prerequisites listed in § 3582(c)(1)(A) is lacking and do not need to address the others.” *Id.*

Emery argues that the district court incorrectly weighed the § 3553(a) factors, contending that the court improperly referenced uncharged criminal conduct and did not consider that most of her employers had insurance that protected them from fraud. But the district court thoroughly reviewed the relevant sentencing factors and explained why, in its judgment, they did not favor compassionate release. *See United States v. Jones*, 980 F.3d 1098, 1114 (6th Cir. 2020) (“The district court is best situated to balance the § 3553(a) factors.” (quoting *United States v. Kincaid*, 802 F. App’x 187, 189 (6th Cir. 2020)). The district court stated that Emery committed serious crimes warranting punishment that would provide deterrence and noted that she had not served a significant portion of her sentence. *See* 18 U.S.C. § 3553(a)(1), (a)(2)(A)-(B). The district court also remarked that “allegations of fraud ha[d] followed [her] for at least twenty years,” but she had

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avoided consequences. *Emery*, 2023 WL 168750, at \*2. Although that statement referenced uncharged conduct, Emery’s presentence report contained allegations of criminal activity throughout that time, and, because she did not dispute the presentence report, the district court committed no error by citing those facts. *See United States v. Armes*, 953 F.3d 875, 880 (6th Cir. 2020) (explaining that, pursuant to Fed. R. Crim. P. 32(i)(3)(A), a sentencing court “may accept any undisputed portion of the presentence report as a finding of fact” (emphasis omitted)). As for Emery’s argument that her employers did not suffer harm, the district court noted that the employers thought that they had hired a licensed nurse with advanced degrees but instead employed someone with neither credential. Finally, because the district court’s evaluation of the § 3553(a) factors was a sufficient reason to deny relief, the court did not need to consider Emery’s medical conditions. *See Elias*, 984 F.3d at 519. In sum, the record indicates that the district court “considered the parties’ arguments and ha[d] a reasoned basis for exercising [its] own legal decisionmaking authority.” *Ruffin*, 978 F.3d at 1008 (alteration in original) (quoting *Chavez-Meza v. United States*, 138 S. Ct. 1959, 1967 (2018)). Therefore, the district court did not abuse its discretion when it determined that the § 3553(a) factors did not support early release.

For these reasons, we **AFFIRM** the district court’s order.

ENTERED BY ORDER OF THE COURT

  
Kelly L. Stephens, Clerk