

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-2802

UNITED STATES OF AMERICA

v.

CRAIG ALEX LEVIN,
a/k/a
Alex Loring,
Appellant

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(E.D. Pa. Civ. No. 2:19-cr-00728-001)
District Judge: Honorable Harvey Bartle III

Submitted Pursuant to Appellee's Motion for Summary Action
Pursuant to Third Circuit L.A.R. 27.4 and I.O.P. 10.6
September 17, 2026
Before: SHWARTZ, FREEMAN, and CHUNG, *Circuit Judges*

(Opinion filed: September 24, 2026)

OPINION*

PER CURIAM

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

Craig Levin, a federal prisoner proceeding pro se, appeals from the District Court's order denying his motion for compassionate release. We will summarily affirm.

In 2023, Levin pleaded guilty to six counts relating to traveling to the Philippines for the purpose of engaging in illicit sexual conduct with minors.¹ After denying two motions to withdraw his guilty plea, the District Court sentenced Levin to an aggregate term of 420 months' incarceration, lifetime supervised release, \$30,000 in restitution, and a total of \$33,600 in various assessments. We affirmed the judgment in 2024. *See United States v. Levin*, No. 23-1911, 2024 WL 4249487 (3d Cir. Sept. 20, 2024). In 2025, Levin filed a motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i), which the District Court denied.

Levin appealed.² After he filed his brief,³ the Government moved for summary affirmance and relief of its obligation to file a brief. Levin asks us to strike that motion because it is untimely under 3d Cir. L.A.R. 27.4.⁴ Under the circumstances of this case,

¹ Those six counts, as charged in the superseding indictment, were foreign travel to engage in sexual conduct with a minor, attempted sex trafficking of a minor, distribution of child pornography, and transportation of child pornography in violation of 18 U.S.C. §§ 2423(b), (f), 1591(a)(1), (b)(2), (c), 1594, 1596(a)(1), and 2252(a)(1), (a)(2) and (b)(1).

² Although Levin filed his notice of appeal beyond the time period set by Rule 4(b)(1) of the Federal Rules of Appellate Procedure, his appeal is timely because the District Court granted Levin's motion for an extension of time to file his notice of appeal.

³ We consider Levin's brief, as a document in support of his appeal.

⁴ Initially, he also argued that it should be struck because he had not been served with it, but after the Government re-served the motion, Levin withdrew his non-service argument.

we will consider the Government’s motion, but we nonetheless remind the Government that we expect compliance with our Local Rules and that filing a dispositive motion after the due date of appellant’s brief is a disfavored practice.⁵

We have jurisdiction under 28 U.S.C. § 1291. We review the District Court’s decision for abuse of discretion and will not disturb that decision absent “a definite and firm conviction that [the District Court] committed a clear error of judgment[.]” *United States v. Pawlowski*, 967 F.3d 327, 330 (3d Cir. 2020). Upon review, we agree with the Government that summary affirmance of the District Court’s ruling is appropriate because no substantial issue is raised on appeal. *See* 3d Cir. L.A.R. 27.4; 3d Cir. I.O.P. 10.6.

The District Court did not abuse its discretion in determining that Levin failed to show “extraordinary and compelling reasons” warranting a sentence reduction. 18 U.S.C. § 3582(c)(1)(A)(i). Before the District Court, Levin raised five grounds for compassionate release: (1) he is at high risk for COVID-19 given his age (69 at the time of filing the motion) and history of pulmonary stenosis and stage two kidney disease; (2) the harsh conditions and lockdowns imposed at BOP facilities during the COVID-19 pandemic; (3) BOP’s alleged failure to protect him from three inmate assaults across three facilities; (4) the long-term health effects associated with COVID-19 infection; and (5) the conditions of his pretrial detention in the Philippines prior to extradition.

⁵ *See, e.g., United States v. Fortner*, 455 F.3d 752, 753–54 (7th Cir. 2006) (denying government’s summary affirmance motion where it was filed shortly before its merits brief was due, noting that such motions “should be filed along with a timely brief, not in place of it”).

However, as the District Court indicated, “the mere existence of COVID-19 in society . . . cannot independently justify compassionate release[.]” *United States v. Stewart*, 86 F.4th 532, 536 (3d Cir. 2023) (quoting *United States v. Raia*, 954 F.3d 594, 597 (3d Cir. 2020)). This remains true under the circumstances of this case, where there is no “rampant pandemic,” *id.*, despite the fact that the data from FCI-Berlin, Levin’s place of incarceration, was approximately six months out of date⁶ when relied upon by the District Judge, as Levin points out. Also under the circumstances of this case, Levin’s contention that he had not received a COVID-19 vaccine booster since late 2021 despite his requests beginning in 2023, does not constitute an extraordinary and compelling reason for compassionate release.⁷

We also do not discern error in the District Court’s conclusions that Levin’s imprisonment in the Philippines and BOP facilities did not constitute an extraordinary and compelling reason for release, either. Although Levin argues to the contrary, the District Court considered Levin’s description of the conditions at the Filipino prison as overcrowded, having no flushable toilets, and infestations of rats and cockroaches. As the District Court noted, Levin experienced these conditions many years ago, before his extradition to the United States, and they do not justify his release now.

⁶ The Bureau of Prisons’ published COVID-19 data for FCI-Berlin was last updated January 21, 2025, reflecting two cases among FCI-Berlin’s 946 inmates, 416 fully inoculated against COVID-19. *See Inmate Covid-19 Data*, Fed. Bureau of Prisons, https://www.bop.gov/about/statistics/statistics_inmate_covid19.jsp (last visited Sep. 14, 2026).

⁷ As the District Court noted, Levin, who has been told that he is on a waiting list for a booster, can use an administrative grievance to seek the booster shot.

Despite Levin's contentions to the contrary, the District Court likewise considered Levin's reports of three incidents in BOP facilities over his five years of incarceration in BOP facilities, consisting of being slapped twice and once suffering a laceration to his upper lip and bruising on one side of his face. The District Court did not err in reasoning that those incidents did not constitute extraordinary and compelling circumstances where Levin experienced no lasting injury and did not show that the BOP failed to address his concerns.

For these reasons, we conclude that the District Court did not abuse its discretion in determining that Levin failed to show extraordinary and compelling reasons warranting a sentence reduction, and we will affirm the District Court's judgment. We deny the motion to strike and grant the motion to summarily affirm and be excused from filing a brief. *See* 3d Cir. L.A.R. 27.4; 3d Cir. I.O.P. 10.6.