

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1512

UNITED STATES OF AMERICA

v.

BRANDON ORR,
also known as B Or,
Appellant

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Civil Action No. 1:18-cr-00171-002)
District Judge: Honorable Keli M. Neary

Submitted for Possible Dismissal Due to a Jurisdictional Defect
and on Appellee's Motion for Summary Action
Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6
September 17, 2026
Before: BIBAS, PHIPPS, and NYGAARD, *Circuit Judges*

(Opinion filed September 25, 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.

Brandon Orr, a federal prisoner, appeals an order of the District Court denying his motion for compassionate release. The Government has filed a motion for summary affirmance. For the following reasons, we will grant the motion and summarily affirm. *See* 3d Cir. L.A.R. 27.4; 3d Cir. I.O.P. 10.6.

Brandon Orr, who is concurrently serving sentences for federal drug convictions and violations of the terms of his supervised release, sought compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), as amended by the First Step Act, which authorizes criminal defendants to seek reductions of their sentences by demonstrating “extraordinary and compelling” circumstances. He argued that the role he played in defending a corrections officer from assault by another prisoner and his rehabilitation while in prison weighed in favor of a two-year reduction of his sentences.

The District Court, in consultation with the United States Sentencing Commission’s policy statement on what constitutes “extraordinary and compelling” circumstances, determined that Orr’s conduct in defending the corrections officer from assault, while commendable, did not meet this standard. The District Court also determined that Orr’s rehabilitation did not constitute “extraordinary and compelling” circumstances. It therefore denied the § 3582 motion. Orr appealed, and the Government seeks summary affirmance.

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) (quotation marks and internal citation omitted). We may summarily affirm the District Court’s decision if the appeal fails to present a substantial question. *See* 3d Cir. L.A.R. 27.4; 3d Cir. I.O.P. 10.6.

We agree with the Government that the appeal presents no substantial question. *See* 3d Cir. L.A.R. 27.4; I.O.P. 10.6. The District Court did not abuse its discretion in determining that Orr’s actions in defending a corrections officer did not constitute extraordinary and compelling circumstances. *See United States v. Stewart*, 86 F.4th 532, 533 (3d Cir. 2023) (noting that the courts can consider the non-binding Sentencing Commission’s policy statements in defining “extraordinary and compelling”). And the District Court was correct in determining that “rehabilitation cannot by itself serve as an extraordinary and compelling reason for his release.” *Stewart*, 86 F.4th at 536 (quotation marks and internal citation omitted).

Based on the foregoing, we grant the Government’s motion for summary affirmance and will summarily affirm the District Court’s judgment.