

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

v.

TROY WRAGG,

Defendant.

CRIMINAL ACTION
NOS. 15-398

ORDER

AND NOW, this 29th day of December 2020, upon consideration of Defendant Troy Wragg's pro se Motion for Reconsideration of the Denial of an Emergency Motion for Compassionate Release (Doc. No. 333), his Supplemental Exhibits (Doc. Nos. 334, 335, 336, 337), his Supplemental Motion (Doc. No. 338), and his Supplemental Brief (Doc. No. 345), it is **ORDERED** that the Motion for Reconsideration (Doc. No. 333) and the Supplemental Motion (Doc. No. 338) are **DENIED**.¹

¹ On July 16, 2020, the Court denied Defendant's initial Motion for Compassionate Release. (Doc. Nos. 307, 308.) In a twenty-three page Opinion, the Court considered the provisions of 18 U.S.C. § 3582(c)(1)(A) and found Defendant's proffered "extraordinary and compelling reasons" were insufficient to grant his compassionate release. (Doc. No. 307 at 17-21.) The Court also held that the 18 U.S.C. § 3553(a) sentencing factors heavily weighed against Defendant's release. (*Id.* at 21-23.)

On November 2, 2020, Defendant filed a second Motion for Compassionate Release, which the Court denied. (Doc. Nos. 323, 329.) In the November 18, 2020 Order denying this second Motion for Compassionate Release, the Court found that Defendant again failed to present an extraordinary or compelling reason for release. (*See* Doc. No. 329 at 2.) The medical information he provided did not show a significant change in his medical condition, and the Court considered his medical condition when denying his first Motion. (*See id.* at 2.) The Court also held that the § 3553(a) sentencing factors still did not warrant his release. (*See* Doc. No. 329 at 2-3.) Defendant appealed the Court's decision to the Third Circuit Court of Appeals. The appeal is stayed pending the resolution of his Motion for Reconsideration. (*See* Third Circuit Case No. 20-3430.)

Defendant now moves the Court to reconsider its denial of his second Motion for Compassionate Release. (Doc. No. 333.) In support of this Motion for Reconsideration, Defendant submits four supplemental exhibits, a supplemental Motion for Compassionate

Release, and a Supplemental Brief. (See Doc. Nos. 334, 335, 336, 337, 338, 345.) For the reasons discussed below, Defendant’s Motion for Reconsideration will be denied.

“The purpose of a motion for reconsideration . . . is to correct manifest errors of law or fact or to present newly discovered evidence.” Howard Hess Dental Labs. Inc. v. Dentsply Int’l, Inc., 602 F.3d 237, 251 (3d Cir. 2010) (quoting Max’s Seafood Cafe ex rel. Lou-Ann, Inc. v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999) (quotation omitted)). Thus, a proper motion for reconsideration “must rely on one of three grounds: (1) an intervening change in controlling law; (2) the availability of new evidence; or (3) the need to correct clear error of law or prevent manifest injustice.” Wiest v. Lynch, 710 F.3d 121, 128 (3d Cir. 2013) (quoting Lazaridis v. Wehmer, 591 F.3d 666, 669 (3d Cir. 2010)). However, “[a] motion for reconsideration ‘addresses only factual and legal matters that the Court may have overlooked. It is improper on a motion for reconsideration to ask the Court to rethink what it had already thought through—rightly or wrongly.’” In re Blood Reagents Antitrust Litig., 756 F. Supp. 2d 637, 640 (E.D. Pa. 2010) (quoting Glendon Energy Co. v. Borough of Glendon, 836 F. Supp. 1109, 1122 (E.D. Pa. 1993)). Therefore, “[m]ere dissatisfaction with the Court’s ruling . . . is not a proper basis for reconsideration.” Progressive Cas. Ins. Co. v. PNC Bank, N.A., 73 F. Supp. 2d 485, 487 (E.D. Pa. 1999). Furthermore, “[b]ecause federal courts have a strong interest in the finality of judgments, motions for reconsideration should be granted sparingly.” In re Asbestos Prods. Liab. Litig. (No. VI), 801 F. Supp. 2d 333, 334 (E.D. Pa. 2011) (quoting Cont’l Cas. Co. v. Diversified Indus., Inc., 884 F. Supp. 937, 943 (E.D. Pa. 1995)).

Defendant has not established any of the three bases for granting his Motion and merely “ask[s] the Court to rethink what it had already though through. . . .” In re Blood Reagents Antitrust Litig., 756 F. Supp. 2d at 640. First, Defendant does not assert in his Motion that there is an intervening change in controlling law. Second, Defendant does not present new evidence to warrant reconsideration of the Court’s denial of his second Compassionate Release Motion. In his Motion for Reconsideration and Supporting Documents, Defendant refers to medical evidence that the Court has already considered when denying his Motions for Compassionate Release, such as seizure history, COVID-19 diagnosis, and wheelchair use. (See Doc. No. 333 at 2-4.) He also presents evidence that, after the Court denied his second Compassionate Release Motion, he has changed his blood pressure medication and is re-infected with COVID-19. (See id.) This evidence, however, does not warrant reconsideration of his second Motion for Compassionate Release because the Court considered his blood pressure rate and COVID-19 diagnosis in denying his Motion. (See Doc. No. 329 at 2.) Additionally, neither his changed medication nor his alleged COVID-19 reinfection alters the Court’s previous conclusions that these conditions are not extraordinary or compelling reasons for compassionate release. Moreover, Defendant also argues that his “PATTERN Score”, which he has not previously submitted, is evidence that he is a “model inmate”; this score, however, does not change the Court’s ruling on the § 3553(a) sentencing factors previously discussed. (See id. at 3.)

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.

Finally, Defendant has not demonstrated “the need to correct clear error of law or prevent manifest injustice.” See Wiest, 710 F.3d at 128. For all these reasons, the Court will deny Defendant’s Motion for Reconsideration.