

No. _____

IN THE
Supreme Court of the United States

MICHAEL CARTER,
Petitioner,
v.

UNITED STATES OF AMERICA,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

(1) Are district courts required to consider the sentencing factors listed in 18 U.S.C. § 3553(a) when deciding whether to impose a reduced sentence under Section 404 of the First Step Act?¹

(2) Are district courts required to provide individualized explanations for discretionary denials of sentence reductions under Section 404 of the First Step Act?

¹ This question is the same as the question presented in the petition for writ of certiorari in *Eddie Houston, Jr. v. United States*, No. 20-1479.

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PETITION FOR WRIT OF CERTIORARI

Petitioner Michael Carter respectfully prays that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the Fifth Circuit.

JUDGMENT AT ISSUE

The Fifth Circuit Court of Appeals issued its decision on February 3, 2021, which is attached hereto as the Appendix and also is available at 834 F. App'x 959.

JURISDICTION

The Fifth Circuit decision issued on February 3, 2021. No petition for rehearing was filed. Mr. Carter's petition for a writ of certiorari is timely filed pursuant to Supreme Court Rule 13, as modified by this Court's Order dated March 19, 2020, and Rule 30 because 150 days following the final judgment was Saturday, July 3, 2021,

and this petition is being filed on the next date that is not a weekend or federal holiday. This Court has jurisdiction under 28 U.S.C. § 1254(1).

RELEVANT STATUTORY PROVISIONS

18 U.S.C. § 3553(a) provides, in relevant part:

The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection. The court, in determining the particular sentence to be imposed, shall consider—

(1) the nature and circumstances of the offense and the history and characteristics of the defendant;

(2) the need for the sentence imposed—

(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

(B) to afford adequate deterrence to criminal conduct;

(C) to protect the public from further crimes of the defendant; and

(D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner

18 U.S.C. § 3553(c) provides, in relevant part:

The court, at the time of sentencing, shall state in open court the reasons for its imposition of the particular sentence

Section 404(b) of the First Step Act of 2018 provides, in relevant part:

A court that imposed a sentence for a covered offense may, on motion of the defendant . . . impose a reduced sentence as if sections 2 and 3 of the Fair Sentencing Act of 2010 (Public Law 111-220; 124 Stat. 2372) were in effect at the time the covered offense was committed.

STATEMENT OF THE CASE

More than 16 years ago, Michael Carter sold crack cocaine to a DEA informant on four occasions during a two-month window. At the time, the federal drug statute imposed enhanced penalties for offenses involving at least 5 or 50 grams of crack, while offenders trafficking in powder cocaine had to be convicted of 100 times those quantities to face the same enhancements. Each of Mr. Carter's sales to the informant involved between 21 and 52 grams of crack, generating a statutory minimum of 20 years of imprisonment for the most severe offense due to a prior drug conviction. *See* 21 U.S.C. § 841(b)(1)(A) (2005). He pleaded guilty to the charges in 2007.

Before sentencing, U.S. Probation determined that Mr. Carter qualified as a "career offender" under U.S.S.G. § 4B1.1, resulting in a Sentencing Guidelines range of 262 to 327 months. He requested a downward variance to the 240-month minimum based on several factors, including the nonviolent nature of his crimes, his history of drug addiction, and his efforts at rehabilitation. The district court denied his request and sentenced him to 262 months of imprisonment, citing Mr. Carter's "continued involvement in drug trafficking and his criminal history" as the basis for its decision.

In 2010, Congress enacted the Fair Sentencing Act to alleviate the disparity between powder and crack cocaine offenders, reducing the ratio from 1:100 to 1:18. As a result, Mr. Carter's most severe conviction—a distribution of 52 grams of crack—would have carried a statutory minimum of 10 years rather than 20 years, pursuant to 21 U.S.C. § 841(b)(1)(B) (2010). However, Congress did not make that change retroactive to previously-sentenced offenders until nearly a decade later, through

Section 404 of the First Step Act of 2018. Pub. L. No. 115-391, 132 Stat. 5194. Section 404 authorized district courts to resentence drug offenders who did not previously receive the benefit of the Fair Sentencing Act’s statutory changes.

Following the passage of the First Step Act, Mr. Carter filed a motion for appointment of counsel to assist him in seeking relief under the new law. A screening committee created by the Chief Judge for the Eastern District of Louisiana reviewed his case and determined that he was eligible for a sentence reduction because his convictions qualified as “covered offenses” under Section 404. Nevertheless, the government opposed any reduction of Mr. Carter’s sentence based solely on the fact that he was sentenced within his career offender Guidelines range, which remained unchanged due to the most severe conviction continuing to carry a statutory *maximum* of life imprisonment. The government maintained this position, despite its recognition that the district court was required to consider the § 3553(a) factors, including “all . . . pertinent information about the offender’s history and conduct,” and could also consider his post-offense conduct in deciding the appropriate resolution.

Pursuant to the Chief Judge’s general appointment order for Section 404 motions, counsel was appointed to represent Mr. Carter and filed a memorandum in support of his motion. At the time, Mr. Carter was nearly 60 years old, serving his 15th year in prison for his nonviolent drug offenses, and set to be released in September 2024. Through counsel, Mr. Carter requested a 60-month reduction of his 262-month sentence, urging that the variance from the Guidelines was “strongly support[ed]” by the § 3553(a) factors and *Pepper v. United States*, 562 U.S. 476 (2011).

In *Pepper*, this Court emphasized the relevance of post-sentencing conduct to the sentencing factors and held that evidence of rehabilitation can be considered at resentencing and “may, in appropriate cases, support a downward variance” from the Guidelines. *Id.* at 481, 492.

In support of his motion, Mr. Carter emphasized his age and extraordinary conduct and rehabilitation in federal prison during the 12 years since his original sentencing. He demonstrated that he “has always maintained employment while incarcerated, has always received good work evaluations, and currently works with UNICOR, a coveted and sought-after position, in industrial recycling.” He also highlighted his completion of vocational training programs in major appliance repair and plastics, two drug education courses, classes geared toward the pursuit of gainful employment, and his financial responsibility requirements, all while receiving only a few, minor disciplinary citations for nonviolent infractions. Mr. Carter urged that his post-sentencing conduct “reveals a break with his criminal past” and that, “[g]iven his age and his significant efforts at rehabilitation, the likelihood of future criminal behavior from this defendant is significantly reduced if not completely eliminated.” Indeed, the government itself acknowledged Mr. Carter’s “apparent overall good conduct while in prison” in its own briefing. Finally, Mr. Carter reminded the court of its duty to impose a sentence that it “sufficient, but not greater than necessary, to comply with” the statutory sentencing goals.

Nearly six months later, the district court issued an order denying Mr. Carter any reduction of his sentence. The court acknowledged his eligibility for a reduction

and summarized the positions of the parties before stating that it “does not find that resentencing in this case would be a sound use of the Court’s discretion.” The court’s explanation focused on Mr. Carter’s unchanged Guidelines range and criminal history—*i.e.*, § 3553(a) considerations that were “before the Court at the time of Carter’s original sentencing” and drove the court’s sentencing decision at that time. The only mention of Mr. Carter’s post-sentencing conduct and rehabilitation was a perfunctory paragraph at the end of the decision, in which the court stated that his “current characteristics also do not support the Court’s using its discretion to reduce his sentence,” while also noting that it was “not required to consider a defendant’s post-conviction conduct” under Fifth Circuit precedent. The court then provided the following generic rejection of Mr. Carter’s arguments:

In any event, these circumstances must be weighed against the other circumstances of defendant and his offense conduct. Considering those here, Carter’s conduct does not warrant a sentencing reduction.

Mr. Carter appealed the district court’s decision to the Fifth Circuit.

On appeal, Mr. Carter argued that the district court abused its discretion by failing to conduct a renewed, individualized assessment of the § 3553(a) factors before denying his motion and failing to adequately explain its denial in light of the specific, individualized circumstances of his case.² In support of his arguments, Mr. Carter

² Mr. Carter also argued that the district court’s refusal to grant any sentence reduction at all—*i.e.*, its determination that the same sentence imposed more than a decade ago remained appropriate, despite extensive evidence that he no longer is a recidivism risk—was substantively unreasonable. While his case was pending, the Fifth Circuit held that substantive reasonableness analysis does not apply to Section 404 denials, foreclosing Mr. Carter’s claim. *See United States v. Batiste*, 980 F.3d 466, 479–80 (5th Cir. 2020). That issue is not raised in this petition.

highlighted the district court’s reliance on its § 3553(a) assessment at the time of his *original* sentencing and its failure to consider the § 3553(a) factors—or its overarching duty to impose a sentence “sufficient, but not greater than necessary” to comply with the statutory sentencing purposes—based on the totality of his present circumstances. He also emphasized the fact that the same judge who ruled on his motion had provided a near-verbatim explanation for its rejection of mitigating arguments by other eligible Section 404 movants whose career offender Guidelines ranges remained unchanged following the application of the Fair Sentencing Act. For example:

<i>US v. Hebert</i> ³	In any event, Hebert’s post-conviction conduct would need to be weighed against the circumstances of the defendant and his offense conduct. Considering that here, Hebert’s conduct does not warrant a sentencing reduction.
<i>US v. Bates</i> ⁴	In any event, these [mitigating] characteristics would need to be weighed against the other circumstances of defendant and his offense conduct. Considering that here, Bates’s conduct does not warrant a sentencing reduction.
<i>US v. Carter</i> ⁵	In any event, these [mitigating] circumstances must be weighed against the other circumstances of defendant and his offense conduct. Considering those here, Carter’s conduct does not warrant a sentencing reduction.

³ Order and Reasons, *United States v. Hebert*, No. 09–154, ECF No. 178, at 7 (E.D. La. Apr. 14, 2020), *also available at* 2020 WL 1865081.

⁴ Order and Reasons, *United States v. Bates*, No. 06–243, ECF No. 111, at 7 (E.D. La. Apr. 23, 2020), *also available at* 2020 WL 1954016.

⁵ Order and Reasons, *United States v. Carter*, No. 05–229, ECF No. 76, at 8 (E.D. La. Apr. 28, 2020), *also available at* 2020 WL 2037196.

In other words, the same judge categorically denied—without individualized consideration or analysis—an entire category of eligible defendants based solely on their career offender status and Guidelines range.

On February 3, 2021, the Fifth Circuit affirmed the district court’s denial of Mr. Carter’s motion in a single-paragraph decision. Mirroring the district court’s generic approach, the Fifth Circuit summarily held:

[Michael Carter] asserts that the district court failed to properly consider all the statutory sentencing factors, conduct an individualized assessment of his unique circumstances, and provide a sufficient explanation of its reasons for denying his motion. He has not shown that the district court abused its discretion. *See United States v. Batiste*, 980 F.3d 466, 477-79 (5th Cir. 2020).

App’x at 1–2.

REASONS FOR GRANTING THE PETITION

This petition presents two distinct but related questions regarding the mechanics of Section 404 proceedings. First, do district courts have to consider—*i.e.*, reevaluate—the § 3553(a) factors when deciding whether to impose a reduced sentence for an eligible movant?⁶ Second, when denying relief to eligible movants, are district courts required to provide individualized explanations for their decisions?

In this case, the district court expressly relied on its § 3553(a) analysis from Mr. Carter’s *original* sentencing more than a decade ago to deny him a reduction, rather than conducting a new § 3553(a) assessment, taking into account his 12 years of post-sentencing conduct. And while the court purported to find that his “current characteristics also do not support” a reduction, its only “explanation” for that determination was a generic, dismissive rejection statement that was recycled from denials in other cases. The Fifth Circuit’s affirmance of that ruling conflicts with this Court’s precedent and deepens circuit conflict over the proper implementation of Section 404 of the First Step Act. Accordingly, this Court’s intervention is needed to ensure uniformity and fairness in the application of this important statute. At present, a defendant’s ability to receive fair consideration for relief under Section 404 is largely dependent on his district and, in some cases, specific sentencing judge, resulting disparate treatment of eligible movants across the country.

⁶ The first question is the same as that presented in the petition for writ of certiorari in *Eddie Houston, Jr. v. United States*, No. 20 1479.

I. The Fifth Circuit’s ruling adds to a growing circuit split and circuit conflict over the proper implementation of Section 404.

In the two-and-a-half years since the First Step Act became law, important legal questions have arisen related to the proper interpretation and application of Section 404. The issues presented in this petition—whether courts must consider the § 3553(a) factors and the degree of explanation required for their decisions—have been addressed by multiple courts of appeals. On both issues, clear disagreement has emerged among the circuits. This conflict has resulted in disparate treatment of eligible defendants based solely on geography, which will not be resolved without this Court’s intervention.

A. There is a circuit split over whether district courts must consider the § 3553(a) factors in Section 404 proceedings.

There is a growing circuit split among the courts of appeals over whether district courts *must* consider the § 3553(a) factors in deciding whether to impose a reduced sentence under Section 404 of the First Step Act. The First, Eighth, and Tenth Circuits have held that consideration of the factors is permitted but not required. *See United States v. Concepcion*, 991 F.3d 279, 290 (1st Cir. 2021); *United States v. Moore*, 963 F.3d 725, 727 (8th Cir. 2020); *United States v. Mannie*, 971 F.3d 1145, 1158 n.18 (10th Cir. 2020). In contrast, the Third, Fourth, and Sixth Circuits have held that courts are required to consider all of the applicable § 3553(a) factors in evaluating Section 404 motions by eligible defendants. *See United States v. Easter*, 975 F.3d 318, 326 (3d Cir. 2020); *United States v. Chambers*, 956 F.3d 667, 674 (4th Cir. 2020); *United States v. Smith*, 959 F.3d 701, 703 (6th Cir. 2020).

The Fifth Circuit has avoided directly weighing in on this split.⁷ However, in affirming the district court’s judgment in Mr. Carter’s case, it implicitly joined the circuits holding that consideration of the § 3553(a) factors is merely permissive. The district court’s ruling made it clear that the court only considered some of the sentencing factors in its analysis, and explicitly limited that consideration to factors that were “before the Court at the time of [Mr.] Carter’s original sentencing.” *Cf. United States v. Domenech*, 819 F. App’x 341, 344 (5th Cir. 2020) (vacating a denial where the court’s analysis “lacked through renewed consideration of the § 3553(a) factors” and instead “primarily relied on its analysis at the [defendants’] original sentencing hearings”). The district court did not discuss how any of the new information submitted by Mr. Carter demonstrating 12 years of hard-won, post-sentencing rehabilitation factored into the § 3553(a) analysis—*e.g.*, the sentencing purposes of deterrence, incapacitation, and rehabilitation, or the overarching requirement to impose a sentence that is “sufficient, but not greater than necessary” to comply with the goals of sentencing.

The Fifth Circuit’s affirmance thus sanctioned the denial of sentence reductions based on selective consideration of certain § 3553(a) factors and information, contradicting the rulings of other courts of appeals. *Compare, e.g., United States v. Boulding*, 960 F.3d 774, 784 (6th Cir. 2020) (“[T]he language of § 404

⁷ See, *e.g.*, *United States v. Jackson*, 945 F.3d 315, 322 n.8 (5th Cir. 2019) (stating that that it “reserve[d] the issue for another day”); *United States v. Whitehead*, 986 F.3d 547, 551 n.4 (5th Cir. 2021) (“While consideration of the pertinent § 3553(a) factors certainly seems appropriate in the FSA resentencing context, we have left open whether district courts must undertake the analysis.”).

and our cases that interpret it[] stand for the proposition that the necessary review—at a minimum—includes . . . thorough renewed consideration of the § 3553(a) factors.”); *Easter*, 975 F.3d at 327 (vacating a ruling for failing to consider all of the applicable § 3553(a) factors, including post-sentencing developments); *United States v. Collington*, 995 F.3d 347, 355 (4th Cir. 2021) (“As with initial sentencings, the First Step Act tasks district courts with making a holistic resentencing determination as to whether the original sentence remains appropriate in light of the Fair Sentencing Act’s reforms.”). This divide among the courts of appeals will not be resolved absent intervention by this Court.

B. The courts of appeals also are divided over the extent to which district courts must explain their rulings on Section 404 motions.

In addition to the above circuit split, the courts of appeals have faced numerous challenges—and reached conflicting conclusions—regarding the degree of explanation required for Section 404 rulings. Here, the Fifth Circuit endorsed a district court’s practice of categorically denying motions filed by career offenders without any individualized analysis or explanation, instead recycling dismissive, boilerplate language to dispose of any mitigating arguments the person raised. Indeed, as reflected above, the district court provided the same conclusory statements to reject Mr. Carter’s post-sentencing conduct arguments that it did to reject distinct mitigating arguments by other career offenders. And, on appeal, the Fifth Circuit rubber-stamped the court’s ruling with its own conclusory holding.

The Fifth Circuit’s affirmance created independent circuit conflict regarding what explanation is required for discretionary Section 404 rulings. At least the

Fourth and Sixth Circuits have vacated Section 404 denials based on a district court's failure to address the specific mitigating arguments presented by a defendant. Thus, if Mr. Carter's case had been in one of those circuits, his appeal likely would have resulted in vacatur and remand of the district court's inadequate ruling.

In *United States v. Williams*, the Sixth Circuit vacated a Section 404 denial under nearly identical circumstances to Mr. Carter's case. 972 F.3d 815, 817 (2020). Specifically, "the district court reviewed the § 3553(a) sentencing factors and found that Williams's substantial criminal record continued to justify his 262-month sentence, not least because his Guidelines range remained unchanged." *Id.* The Sixth Circuit held that district courts must "adequately explain the chosen sentence to allow for meaningful appellate review" in ruling on Section 404 motions, *id.* at 816, and further explained: "When considering the adequacy of the district court's explanation for its decision regarding a sentencing modification, we consider the record both for the initial sentence and the modified one," and "the record as a whole must indicate the reasoning behind the court's sentencing decision." *Id.* at 817. The Sixth Circuit found the district court's analysis inadequate because it "did not mention Williams's argument regarding his postconviction conduct." *Id.*⁸

The Fourth Circuit likewise has held that district courts are required "to consider a defendant's arguments, give individual consideration to the defendant's

⁸ While the district court in this case technically "mentioned" Mr. Carter's post-conviction conduct arguments, it provided no substantive or individualized reasoning for rejecting them.

characteristics in light of the § 3553(a) factors, determine—following the Fair Sentencing Act—whether a given sentence remains appropriate in light of those factors, and adequately explain that decision.” *Collington*, 995 F.3d at 360. In *United States v. McDonald*, the Fourth Circuit vacated the denial of a sentence reduction when “it [was] not at all clear that the district court considered or gave any weight to [the defendants’] post-sentencing conduct” in denying their reduction requests. 986 F.3d 402, 412 (4th Cir. 2021). Quoting a previous holding from a different sentence reduction context, the Fourth Circuit explained: “A district court cannot ignore a host of mitigation evidence and summarily deny a motion to reduce a sentence and leave both the defendant and the appellate court in the dark as to the reasons for its decision.” *Id.* at 411 (quotation marks and citation omitted). The court found that the district court’s failure to provide an individualized explanation for its decision prevented meaningful appellate review and required vacatur. *Id.* at 412.⁹

The district court’s generic dismissal of Mr. Carter’s mitigating circumstances to summarily deny his motion is no different than failing to acknowledge those circumstances at all. Indeed, “it is not at all clear that the district court considered or gave any weight to [his] post-sentencing conduct,” and the ruling “leave[s] both the defendant and the appellate court in the dark as to the reasons for its decision.”

⁹ See also, e.g., *Collington*, 995 F.3d at 360 n.6 (finding the “brevity of the court’s analysis . . . problematic” when it was “silent as to several § 3553(a) factors that are particularly salient in the First Step Act context”); *United States v. Lancaster*, 997 F.3d 171, 176 (4th Cir. 2021) (vacating a Section 404 denial when “the district court seemingly did not review the § 3553(a) factors to determine whether its balancing of the factors was still appropriate in light of intervening circumstances”).

McDonald, 986 F.3d at 411. The affirmance thus creates additional circuit conflict regarding whether such barebones and non-individualized “explanations” are sufficient to explain a sentence reduction denial under Section 404.

II. The Fifth Circuit’s ruling is wrong and conflicts with this Court’s past decisions.

The Fifth Circuit’s affirmance of Mr. Carter’s non-individualized sentence reduction denial betrays Congress’s intent in passing Section 404 of the First Step Act—*i.e.*, to eliminate unjust sentencing disparities for those sentenced under the unduly harsh, pre-Fair Sentencing Act sentencing framework by providing them an opportunity for resentencing. It also conflicts with this Court’s prior decisions, which have repeatedly emphasized the highly individualized nature of sentencing proceedings, the importance of full consideration of the § 3553(a) sentencing factors, and the need for judges to adequately explain their sentencing decisions.

“It has been uniform and constant in the federal judicial tradition for the sentencing judge to consider every convicted person as an individual and every case as a unique study in the human failings that sometimes mitigate, sometimes magnify, the crime and the punishment to ensue.” *Koon v. United States*, 518 U.S. 81, 113 (1996). While the Sentencing Guidelines provide a benchmark for sentencing decisions, they “are not the only consideration[.]” *Gall v. United States*, 552 U.S. 38, 49 (2007). “[A]fter giving both parties an opportunity to argue for whatever sentence they deem appropriate, the district judge should then consider all of the § 3553(a) factors to determine whether they support the sentence requested by a party.” *Id.* at

49–50. “In so doing, he may not presume that the Guidelines range is reasonable. He must make an individualized assessment based on the facts presented.” *Id.* at 50.

Likewise, a fundamental principle of sentencing is the need for judges to adequately explain their ultimate decisions, both “to allow for meaningful appellate review and to promote the perception of fair sentencing.” *Id.* at 50. As this Court explained in *Rita v. United States*, the requirement that judges state their reasons for imposing a particular sentence “reflects sound judicial practice” because:

Judicial decisions are reasoned decisions. Confidence in a judge’s use of reason underlies the public’s trust in the judicial institution. A public statement of those reasons helps provide the public with the assurance that creates that trust.

551 U.S. 338, 356 (2007). At base, the law requires that the “record make[] clear that the sentencing judge considered the evidence and arguments” in determining the appropriate sentence. *Id.* at 359. Accordingly, “[w]here the defendant or prosecutor presents nonfrivolous reasons for imposing a different sentence . . . the judge will normally go further and explain why he has rejected those arguments.” *Id.* at 357.

The failure “to consider the § 3553(a) factors” or “adequately explain the chosen sentence” are procedural errors at sentencing. *See Gall*, 552 U.S. at 51. While the courts of appeals review sentencing decisions under a deferential abuse of discretion standard, that deference is only afforded to a district court’s “reasoned and reasonable decision that the § 3553(a) factors, on the whole, justified the sentence.” *Id.* at 59–60. A sentencing determination that is based on an outdated or incomplete assessment of the § 3553(a) factors is neither reasoned nor reasonable, and a generic, boilerplate

rejection of mitigating arguments prevents any perception of fairness or meaningful appellate review.

These foundational sentencing requirements are no less applicable in the Section 404 context. The statute itself specifically uses the word “impose” to describe the Section 404 resentencing process, signaling Congress’s expectation that the traditional sentencing factors and framework outlined in § 3553(a) and (c) will apply. Moreover, defendants who are eligible for Section 404 resentencings necessarily have accumulated years, if not decades, of new information that is “highly relevant to several of the § 3553(a) factors that Congress has expressly instructed district courts to consider at sentencing.” *Pepper*, 562 U.S. at 491. In this case, the new information Mr. Carter presented was overwhelmingly mitigating and proved that his current sentence is far longer than necessary to provide correctional treatment and rehabilitation, deter him from future crime, and protect the public. The district court’s failure to consider how that information impacts the § 3553(a) analysis or provide an individualized explanation for its rejection of his arguments constituted a clear abuse of discretion. The Fifth Circuit’s contrary holding violated this Court’s precedent and deprived Mr. Carter of any meaningful review of the court’s ruling.

III. These issues are important, warranting this Court’s intervention.

The questions presented in this petition are important and warrant this Court’s attention. In addition to being the source of circuit conflict that has caused disparate treatment of defendants based on where their motions must be filed, the Fifth Circuit’s affirmance endorsed the categorical denial of relief to an entire class of eligible defendants. By refusing to require full, renewed consideration of the

§ 3553(a) factors or individualized explanation of denial decisions, the Fifth Circuit allowed the district court to deny Mr. Carter a sentence reduction simply because his career offender status and Guidelines range remained the same—ignoring more than a decade of evidence that his nearly 22-year prison sentence is far greater than necessary to comply with the sentencing goals in his case.

Permitting this approach to continue will perpetuate arbitrary and unreasoned sentence reduction denials like this one, making the availability of Section 404 relief dependent on the specific district and judge responsible for a defendant’s sentencing. This Court’s intervention is thus necessary to ensure uniformity in the federal system, avoid unwarranted sentencing disparities, and restore fairness to Section 404 resentencings.

CONCLUSION

Mr. Carter respectfully requests that a writ of certiorari be granted in his case.

Respectfully submitted,

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