No.

IN THE

Supreme Court of the United States

MALCOM ANWAR WILLIAMS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

PETITION FOR A WRIT OF CERTIORARI

Nicole Ries Fox
ORRICK, HERRINGTON & SUTCLIFFE LLP
2050 Main Street
Suite 1100
Irvine, CA 92614

Brenna Ferris Neustater
ORRICK, HERRINGTON & SUTCLIFFE LLP
2100 Pennsylvania Avenue, NW
Washington, DC 20037

E. Joshua Rosenkranz
Counsel of Record
Alyssa Barnard-Yanni
ORRICK, HERRINGTON & SUTCLIFFE LLP
51 West 52nd Street
New York, NY 10019
(212) 506-5000
jrosenkranz@orrick.com

Counsel for Petitioner

QUESTION PRESENTED

When a federal inmate files a motion for reduction of sentence or compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A), the district court must assess whether the prisoner is still a danger to the community. *See* U.S.S.G. § 1B1.13(a)(2) (2024). Prisoners may include in such a motion new evidence of their post-sentencing rehabilitation that was not considered at sentencing or any prior motion.

The question presented is:

Whether a district court errs when it denies a motion for reduction of sentence or compassionate release under 18 U.S.C. § 3582(c)(1)(A) on the ground that the defendant remains a threat to the community based solely on the defendant's offense and criminal history or the court's denial of a prior motion, without considering or discussing new evidence of rehabilitation presented by the defendant with the motion.

RELATED PROCEEDINGS[1]

United States of America v. Malcom Anwar Williams, No. 24-12132 (11th Cir. judgment entered Feb. 5, 2025)

United States of America v. Malcom Anwar Williams, No. 20-14360 (11th Cir. judgment entered Dec. 21, 2021)

Malcom Anwar Williams v. United States of America, No. 19-11214 (11th Cir. order entered May 23, 2019)

United States of America v. Malcom Anwar Williams, No. 16-10336 (11th Cir. order entered June 30, 2016)

United States of America v. Malcom Anwar Williams, No. 0:15-cr-60120-KAM-2 (S.D. Fla. judgment entered Oct. 28, 2015; orders entered Nov. 5, 2020 and June 11, 2024)

[1] All proceedings against Mr. Williams relevant here contain a typographical error in the caption, which originated in the district court: Mr. Williams's first name is erroneously listed as "Malcom" instead of "Malcolm."

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INTRODUCTION

Rehabilitation is one of the core purposes of punishment. This case presents the question of whether a district court errs if it disregards evidence of successful post-sentencing rehabilitation when evaluating whether a federal inmate remains a danger to the community. This Court's intervention is necessary to resolve a split on that question, whose answer should be obvious: Yes.

18 U.S.C. § 3582 provides the only avenue for a federal inmate to file a motion for a sentence reduction (commonly called a motion for compassionate release). Twice in the past eight years, Congress and the U.S. Sentencing Commission have expanded the availability of relief under § 3582. As relevant here, inmates seeking to exercise their rights under § 3582 usually submit extensive evidence of post-sentencing rehabilitation because § 3582 relief is categorically unavailable to inmates who pose a danger to the community. The circuits are divided as to whether district courts must explicitly acknowledge and consider evidence of post-sentencing rehabilitation when evaluating dangerousness in connection with § 3582 motions (as the Fourth and Fifth Circuits have held), or whether they may instead find an inmate to be a danger to the community based solely on his criminal history or the court's prior denial of a § 3582 motion, with presumed or no consideration of post-sentencing rehabilitation (as the Sixth and Eleventh Circuits have held).

The Court should grant review to resolve this important split on a recurring question. Both when

originally adopting and recently expanding § 3582, "Congress clearly contemplated the possibility that defendants convicted of the most heinous crimes would seek—and, in appropriate cases, receive—compassionate release." *United States v. Greene*, 516 F. Supp. 3d 1, 26 (D.D.C. 2021) (Jackson, J.). "[N]othing in [the required statutory] analysis authorizes the court to deny a motion for compassionate release simply and solely because the defendant's offense of conviction is an egregious and dangerous crime." *Id.* at 27. As the Fourth and Fifth Circuits have recognized, district courts need to show their work so appellate courts can meaningfully review the reasons a district court provided for finding an inmate to be dangerous—which means explicitly acknowledging new evidence of rehabilitation bearing on dangerousness. The Sixth and Eleventh Circuits' contrary approach, permitting district courts to freeze the inquiry in time and consider only static past facts while ignoring new evidence, undermines not only the purposes of § 3582, but the broader rehabilitative aims of punishment.

OPINIONS AND ORDERS BELOW

The Eleventh Circuit's opinion is unreported and reproduced at Pet. App. 1a-7a. The district court's 2024 order denying Mr. Williams's motion for compassionate release is unreported and reproduced at Pet. App. 8a-10a. The district court's 2020 order denying Mr. Williams's motion for a reduction of sentence is unreported and reproduced at Pet. App. 11a-15a.

JURISDICTION

The Eleventh Circuit issued its opinion on February 5, 2025. On April 18, 2025, this Court extended the time for filing a petition for a writ of certiorari to June 5, 2025. This Court has jurisdiction under 28 U.S.C. § 1254(1).

STATUTORY PROVISIONS INVOLVED

18 U.S.C. § 3582 provides, in relevant part:

(c) The court may not modify a term of imprisonment once it has been imposed except that—

(1) in any case—

(A) the court, upon motion of the Director of the Bureau of Prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier, may reduce the term of imprisonment (and may impose a term of probation or supervised release with or without conditions that does not exceed the unserved portion of the original term of imprisonment) after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that—

(i) extraordinary and compelling reasons warrant such a reduction…

> and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission….

STATEMENT OF THE CASE

Mr. Williams is convicted of Hobbs Act robbery and sentenced as a career offender.

In 2015, Petitioner Malcolm Anwar Williams pleaded guilty to Hobbs Act robbery in violation of 18 U.S.C. § 1951(a). Pet. App. 2a. The government sought a sentence enhancement under U.S.S.G. § 4B1.1(a), the career offender guideline. Pet. App. 12a-13a. At the time of Mr. Williams's sentencing, that guideline deemed a defendant a "career offender" if he (1) was at least eighteen years old at the time of the offense, (2) the offense was "a felony that is either a crime of violence or a controlled substance offense," and (3) the defendant had at least two prior felony convictions qualifying as crimes of violence or controlled substance offenses. U.S.S.G. § 4B1.1(a) (2014).

The term "crime of violence," in turn, was (and still is) defined in U.S.S.G. § 4B1.2(a). At the time, the definition of "crime of violence" included a so-called residual clause encompassing any offense "involv[ing] conduct that presents a serious potential risk of physical injury to another." *Id.* § 4B1.2(a)(2) (2014). Hobbs Act robbery was universally treated as a "crime of violence" under the residual clause. *See United States v. Eason,* 953 F.3d 1184, 1195 (11th Cir. 2020). Because Mr. Williams met the other criteria, he was sentenced under the career offender guideline. This substantially increased Mr. Williams's advisory

sentencing guidelines range: Instead of the range of 84 to 105 months' imprisonment that would have been applicable without the career offender guideline, Mr. Williams instead faced a range of 151 to 188 months' imprisonment. Pet. App. 13a. The district court sentenced Mr. Williams to 151 months' imprisonment—the very bottom of the guidelines range. Pet. App. 11a.

The district court denies Mr. Williams's motion for a reduction of sentence based on a change in the law.

In 2015, this Court held, in *Johnson v. United States*, 576 U.S. 591 (2015), that the residual clause of the Armed Career Criminal Act was unconstitutionally vague. The following year, the U.S. Sentencing Commission amended § 4B1.2(a)(2) of the Sentencing Guidelines to remove *its* residual clause. Pet. App. 12a; *see* U.S. Sentencing Commission, Amendment 798, https://tinyurl.com/dmg84kl (last visited June 4, 2025). As a result, had Mr. Williams been sentenced slightly later, he would not have qualified for a career offender sentencing enhancement and would have faced an advisory sentencing guidelines range of 84 to 105 months' imprisonment.

Indeed, Mr. Williams's co-defendants received the benefit of this change in the law. Defendants Marlon Eason and Carlton Styles, who committed the underlying Hobbs Act robbery with Mr. Williams, received their operative sentences later than Mr. Williams, at a time when Hobbs Act robbery was no longer a crime of violence under the Sentencing Guidelines. *See Eason*, 953 F.3d at 1195; *United States v. Williams*, No. 20-14360, 2021 WL 6101491, at *1 (11th Cir. Dec. 21,

2021); *United States v. Styles*, No. 20-13321, 2021 WL 4059953, at *1 (11th Cir. Sept. 7, 2021). Mr. Williams's co-defendants thus received the benefit of a lower sentencing guidelines range on resentencing due to the fortuitous fact of the passage of time. *Eason*, 953 F.3d at 1195-96.

Generally, a court's imposition of a sentence is final. 18 U.S.C. § 3582(c). As previewed above, however, § 3582(c) provides limited circumstances under which a district court may reduce a defendant's sentence. One circumstance is where a defendant shows "extraordinary and compelling reasons warrant such a reduction." *Id.* § 3582(c)(1)(A)(i). When such reasons exist, a court may reduce a defendant's sentence "after considering the factors set forth in [18 U.S.C. §] 3553(a)," so long as "such a reduction is consistent with applicable policy statements issued by the Sentencing Commission." *Id.* § 3582(c)(1)(A).

The relevant Sentencing Commission policy statement, U.S.S.G. § 1B1.13, elaborates what "extraordinary and compelling reasons" may justify a sentence reduction. *Id.* § 1B1.13(b). It also provides that a sentence reduction under § 3582(c) is available only when a court has determined that "the defendant is not a danger to the safety of any other person or the community." *Id.* § 1B1.13(a)(2).

Until recently, a motion under 18 U.S.C. § 3582(c)(1)(A) had to be filed by the federal Bureau of Prisons. In 2018, however, Congress enacted the First Step Act of 2018, a landmark correctional and sentencing reform bill designed "to reduce the size of the federal prison population while also creating

mechanisms to maintain public safety." Nathan James, Cong. Rsch. Serv., The First Step Act of 2018: An Overview (Mar. 4, 2019), https://tinyurl.com/mrxbz5m6. As part of the Act, Congress amended 18 U.S.C. § 3582(c)(1)(A) to authorize courts to grant a motion for a sentence reduction upon a defendant's own motion. Pub. L. No. 115-391, § 603(b), 132 Stat. 5194, 5239 (2018).

In summer 2020, Mr. Williams exercised his new rights under the First Step Act to file a pro se motion to reduce his sentence under 18 U.S.C. § 3582(c)(1)(A). Pet. App. 11a-12a. In that motion, Mr. Williams argued that the post-sentencing changes in the applicable Sentencing Guidelines, coupled with the resentencing of his co-defendants under the new Sentencing Guidelines, *supra* at 5-6, warranted a sentence reduction in his case. Pet. App. 12a; *Williams*, 2021 WL 6101491 at *1.

The district court denied Mr. Williams's motion. Pet. App. 11a-15a. Notably, the district court agreed that, had Mr. Williams been sentenced slightly later, his advisory guideline range would have been 84 to 105 months' imprisonment, rather than 151 to 188 months' imprisonment. Pet. App. 13a. But, the district court explained, it did not believe it had the discretion to reduce Mr. Williams's sentence on that ground at that time, which would effectively apply the non-retroactive changes to the Guidelines retroactively. Pet. App. 13a.

The district court held alternatively that, "based on the seriousness of the conduct of the underlying offense," reducing Mr. Williams's sentence would be

inconsistent with the § 3553(a) factors "because it would not reflect the seriousness of the offense, provide just punishment or provide adequate individual or general deterrence." Pet. App. 14a. The district court further concluded that "releasing [Mr. Williams] from custody before the completion of his sentence would present a danger to the community," relying solely on the fact of Mr. Williams's "criminal history," specifically his "15 felony convictions over the years." Pet. App. 14a. The Eleventh Circuit affirmed the denial. *Williams*, 2021 WL 6101491, at 3 & n.3.[2]

The district court denies Mr. Williams's second motion for a sentence reduction.

In 2023, the Sentencing Commission expanded the availability of compassionate release and sentence reductions under 18 U.S.C. § 3582 through amendments to the policy statement in U.S.S.G. § 1B1.13. Those amendments added to the circumstances deemed "extraordinary and compelling reasons" to grant compassionate release or a sentence reduction, including by detailing circumstances in

[2] Although not relevant to the question presented here, in 2022, Mr. Williams, still proceeding pro se, filed a motion to reduce his sentence under *Concepcion v. United States*, 597 U.S. 481 (2022). *See United States v. Williams*, No. 22-13150, 2023 WL 4234185 (11th Cir. June 28, 2023). The district court found Mr. Williams's motion to be an unauthorized successive petition barred by 28 U.S.C. § 2255(h). *Id.* at *2, *4. The district court held, alternatively, that Mr. Williams had not exhausted his administrative remedies and did not demonstrate "extraordinary and compelling reasons" warranting a sentencing reduction. *Id.* The district court did not address Mr. Williams's evidence of rehabilitation or danger to the community. *Id.* at *2. The Eleventh Circuit affirmed. *Id.* at *5.

which a non-retroactive change in the law could support relief. *See generally* U.S. Sentencing Commission, 2023 Amendments in Brief, https://tinyurl.com/4npakk6k (last visited June 4, 2025).

After the amendments to § 1B1.13, Mr. Williams filed another pro se motion for compassionate release or a reduction in his sentence pursuant to 18 U.S.C. § 3582(c)(1)(A). *See* Dkt. No. 136, *United States v. Williams*, 15-cr-60120-KAM (S.D. Fla. June 11, 2024). That motion invoked a variety of factors as establishing, "in combination," extraordinary and compelling reasons warranting a reduction of his sentence under the new standard. *Id.* at 1.

One of the factors Mr. Williams's motion highlighted was extensive evidence of "[p]ost-sentencing [r]ehabilitation." *Id.* Unlike his 2020 motion, Mr. Williams's 2024 motion thoroughly described his rehabilitation. *Id.* at 11-17. He detailed the numerous academic and vocational classes he had completed while incarcerated—including over 1,800 hours of live program participation—and his involvement as a mentor and instructor to other inmates. *Id.* at 11-12 & Ex. B. He pointed to his lack of disciplinary record while in prison and the Bureau of Prisons' assessment of his risk of recidivism and violence as low. *Id.* at 12-13 & Ex. C. He included a release plan, including job opportunities and a business plan. *Id.* at 13 & Exs. I, R, U. He also attached letters in support from students, friends, family members, and a University of Miami professor. *Id.* Exs. E, L-P, S. None of this information was included in Mr. Williams's 2020 motion,

much less discussed in the district court's 2020 order. Pet. App. 11a-15a.

The district court denied Mr. Williams's motion in a one-page order the same day the motion was entered on the docket. Pet. App. 9a-10a. That order, unlike the district court's 2020 order, did not hold that Mr. Williams had failed to establish "extraordinary and compelling reasons" for a reduction of sentence as required by 18 U.S.C. § 3582(c)(1)(A)(i). *Compare* Pet. App. 8a-10a; *with* Pet. App. 13a. Instead, to deny relief, the court's 2024 order relied solely on a finding "that [Mr. Williams] is a danger to the community." Pet. App. 9a. In so finding, the district court specifically invoked and relied upon the fact that, in 2020, it "ha[d] previously found … that [Mr. Williams] would be a danger to the community if he is released early from incarceration." Pet. App. 9a (citing Pet. App. 14a). In particular, the district court referenced its prior reliance on Mr. Williams's criminal history, including his "15 felony convictions." Pet. App. 9a. The court then stated: "Nothing has changed since the Court's prior order to alter the conclusion that [Mr. Williams] is a danger to the community." Pet. App. 9a. The order made no mention of the rehabilitative evidence Mr. Williams presented. Pet. App. 8a-10a.

The Eleventh Circuit affirms.

Mr. Williams appealed the district court's order, arguing that the district court erred in finding him to be a danger to the community without considering the post-sentencing rehabilitation evidence submitted in the motion. CA11 Appellant Br. at 7-10. In support of his argument, Mr. Williams cited several cases from

the Fourth Circuit barring a district court from relying solely on a defendant's criminal history, without individualized consideration of post-sentencing rehabilitation, to assess a defendant's dangerousness. *Id.* at 7-8 (citing, e.g., *United States v. Kibble,* 992 F.3d 326 (4th Cir. 2021); *United States v. Martin*, 916 F.3d 389 (4th Cir. 2019)). Mr. Williams thus requested a remand for the district court to fully consider his arguments. CA11 Appellant Brief at 11.

The Eleventh Circuit affirmed the district court's order denying Mr. Williams's motion. Pet. App. 6a. The panel acknowledged but expressly declined to follow the Fourth Circuit cases that Mr. Williams cited, reasoning that "those cases are out-of-circuit precedent and are not binding on this Court." Pet. App. 5a-6a n.4. Having rejected the Fourth Circuit's rule that district courts must demonstrate that they considered *something* other than a defendant's criminal history before finding a defendant to be a danger to the community, the Eleventh Circuit went on to assert that the district court's sole focus on the discussion of Mr. Williams's criminal history in its prior order could be understood to "*implicitly* consider[]" rehabilitation because the district court's order stated "that 'nothing ha[d] changed' to alter its conclusion," rooted in Mr. Williams's criminal history, "that [Mr. Williams] remained a danger to the community if released." Pet. App. 6a (emphasis added).

This petition for certiorari follows.

REASONS FOR GRANTING THE WRIT

I. Circuits Are Split On Whether A District Court May Ignore New Evidence Of Rehabilitation When Denying Relief Under § 3582(c)(1)(A).

In the wake of the First Step Act and, later, amendments to U.S.S.G. § 1B1.13, Mr. Williams sought several times to reduce his unjust and excessive sentence pursuant to 18 U.S.C. § 3582(c)(1)(A). In his most recent motion, he presented extensive evidence of rehabilitation that was not previously before the district court. Yet the district court made no mention of, much less meaningfully considered, this evidence in its decision denying relief on the ground that Mr. Williams was a danger to the community.

In the decision below, the Eleventh Circuit held that the district court's conclusory finding of dangerousness "implicitly" rejected Mr. Williams's rehabilitation arguments, even though the district court did not even acknowledge that it had reviewed those arguments and instead relied only on its prior order reciting Mr. Williams's offense and criminal history in support of its finding. Pet. App. 5a-6a. The Eleventh Circuit has reaffirmed that rule in subsequent cases, joining the Sixth Circuit in relieving district courts of any obligation to *actually* consider rehabilitation evidence in assessing dangerousness. As the Eleventh Circuit expressly recognized, its holding below presuming consideration of rehabilitation diverges from that in the Fourth Circuit, which along with the Fifth Circuit requires a district court to—at minimum—acknowledge that it has reviewed new, relevant facts

presented to it when deciding a prisoner's subsequent motion for compassionate release. This clear and acknowledged circuit split warrants this Court's review.

A. The Fourth and Fifth Circuits require a district court to acknowledge and consider new evidence of rehabilitation when considering a motion for compassionate release or reduction of sentence.

If Mr. Williams had appealed to the Fourth or Fifth Circuits, the district court's cursory denial of his 2024 motion for compassionate release or reduction of sentence would have been vacated and remanded. Those courts of appeals recognize that it is insufficient for a district court to simply rely on past orders or a defendant's criminal history to find that a defendant currently poses a danger to the community when the court is presented with changed circumstances, like new rehabilitation evidence. Rather, a district court must at least acknowledge the new facts to show it made an informed decision when weighing a defendant's motion.

Fourth Circuit. The Fourth Circuit "requires a district court to consider evidence of post-sentencing mitigation" when evaluating a motion brought under 18 U.S.C. § 3582. *Martin*, 916 F.3d at 397 (addressing § 3582(c)(2)). The Fourth Circuit recognizes that the amount of explanation necessary to evince such consideration will depend on the context, and "there is a presumption that the district court sufficiently considered relevant factors in deciding a [§ 3582]

motion." *Id.* at 396. Critically, however, the Fourth Circuit has expressly held that it is patently insufficient, even under this presumption, for a district court to deny a § 3582(c) motion based on a bare recital of a defendant's criminal history, without taking account of rehabilitation. *Id.* at 397 (criticizing district court's "recitation of [the defendant's] original criminal behavior," "without giving any weight to the multitude of redemptive measures" taken by the defendant). This approach acknowledges that "[t]here is no right to a sentence reduction under § 3582(c)(2)." *Id.* at 398. But, per the Fourth Circuit, a district court cannot simply "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.*

Thus, in the Fourth Circuit, "[w]hile the district court is still empowered in its discretion to consider the facts of [a defendant's] original transgressions" in assessing a § 3582 motion, "the district court must also at least weigh [their] conduct in the years since their initial sentencings." *United States v. McDonald*, 986 F.3d 402, 412 (4th Cir. 2021) (vacating and remanding denial of § 3582(c)(1)(B) motions where it was "not at all clear that the district court considered or gave any weight to Appellants' post-sentencing conduct"). Critically, the district court does not satisfy that obligation, implicitly or otherwise, if it ignores "post-sentencing mitigation evidence" and cites only the defendant's criminal history. *Id.* The Fourth Circuit has applied these principles to vacate and remand district court denials of compassionate-release motions brought specifically under 18 U.S.C. § 3582(c)(1)(A), holding that a district court abuses its

discretion when it "overlook[s]" a defendant's post-sentencing "evidence of rehabilitation" in denying such a motion. *United States v. Davis*, 99 F.4th 647, 659 (4th Cir. 2024).

Fifth Circuit. The Fifth Circuit similarly requires explicit consideration of changed factual circumstances when denying a motion under 18 U.S.C. § 3582. In particular, as relevant here, a district court cannot rely on a prior denial of a similar motion without addressing new information presented by the defendant.

Particularly instructive is *United States v. Handlon*, 53 F.4th 348 (5th Cir. 2022), whose facts are near-identical to this case. Like Mr. Williams, the defendant in *Handlon* filed multiple motions for compassionate release pursuant to 18 U.S.C. § 3582(c). 53 F.4th at 349. There, as here, the district court denied his initial motions, before the defendant filed a further motion, which "presented new factual circumstances." *Id.* at 352. And there, as here, the district court denied that last motion "for the same reasons stated in" its denial of the defendant's prior motion. *Id.* at 349. The Fifth Circuit vacated the district court's order. *Id.* at 353. It explained that "a court cannot deny a second or subsequent motion for compassionate release 'for the reasons stated' in a prior denial where the subsequent motion presents changed factual circumstances and it is not possible to discern from the earlier order what the district court thought about the relevant facts." *Id.* This is true even if the further "compassionate-release motion may have little chance of success." *Id.*

This standard, the Fifth Circuit has recognized, holds judges to their "obligation to say enough that the public can be confident that cases are decided in a reasoned way." *Id.*; *see also United States v. Stanford*, 79 F.4th 461, 463-64 (5th Cir. 2023) (a court considering a compassionate release motion "must give 'specific factual reasons' for its decision", or else there is "no reliable indication of the reason for the court's decision to deny relief"); *United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020) (same). It also reflects that, "in order for appellate review, even deferential appellate review, to be meaningful," "[a] legal or factual error must be identifiable by the appellate court." *United States v. Sauseda*, No. 21-50210, 2022 WL 989371, at *1 (5th Cir. Apr. 1, 2022). Thus, the Fifth Circuit does not permit district courts to deny motions for compassionate release by incorporating a prior order's discussion of the defendant's criminal history, without specific consideration of new rehabilitation evidence. *Cf. Handlon*, 53 F.4th at 352-53.

B. The Sixth and Eleventh Circuits do not require a district court to acknowledge new evidence of rehabilitation to deny a motion for compassionate release or sentence reduction on dangerousness grounds.

The Eleventh Circuit expressly acknowledged that its holding conflicted with the Fourth Circuit's rule that an order ignoring post-sentencing rehabilitation and relying solely on criminal history should be vacated and remanded. *Supra* at 14-15; Pet. App. 5a-6a n.4. The Eleventh Circuit did not meaningfully engage with the split, however, noting only that the

cases Mr. Williams raised are "are out-of-circuit precedent and are not binding on" the Eleventh Circuit. Pet. App. 5a-6a n.4. Despite this lack of engagement, the Eleventh Circuit's decision entrenched the split nonetheless, joining the Sixth Circuit to hold that, contrary to the Fourth and Fifth Circuits, a district court's discussion of the defendant's criminal history and incorporation of its prior reasoning to deny a motion for compassionate release will be deemed sufficient, albeit implicit, consideration of changed circumstances, including new evidence of rehabilitation, to find a defendant dangerous and deny relief under 18 U.S.C. § 3582.

Eleventh Circuit. The Eleventh Circuit's decision here perfectly encapsulates the split with the Fourth and Fifth Circuits. As discussed above, the district court's 2020 order relied solely on Mr. Williams's criminal history to find that he was a danger to the community. *Supra* at 8. With respect to Mr. Williams's 2024 motion, the district court entered its order the very same day Mr. Williams's motion was docketed. That rapidly prepared order again invoked Mr. Williams's criminal history—and only Mr. Williams's criminal history—before stating in conclusory terms that "[n]othing ha[d] changed … to alter the [court's prior] conclusion that [Mr. Williams] is a danger to the community." Pet. App. 9a. In the Fourth Circuit, this sole reliance on criminal history, to the exclusion of post-sentencing rehabilitation evidence, would be insufficient to deny a § 3582 motion. *Supra* at 13-15. Similarly, in the Fifth Circuit, reliance on a prior order to deny a successive motion without actually addressing changed circumstances would be insufficient to deny a § 3582 motion. *Supra* at 15-16.

But the Eleventh Circuit charted another course—as it expressly recognized in declining to follow the Fourth Circuit cases Mr. Williams specifically cited on appeal. According to the Eleventh Circuit, a district court's order "implicitly consider[s]" new evidence of rehabilitation, even if it never mentions such evidence and cites only a defendant's criminal history and its own prior orders, so long as it claims in conclusory fashion that "nothing has changed" since its prior order. Pet. App. 6a.

The Eleventh Circuit's decision on that point flowed directly from that court's prior decision in *United States v. Tinker*, 14 F.4th 1234 (11th Cir. 2021). *See* Pet. App. 3a-4a, 6a. In *Tinker*, the defendant argued that the district court erred in neglecting to consider evidence of his post-offense rehabilitation when denying his motion for compassionate release. 14 F.4th at 1240. The Eleventh Circuit found no error in the district court's failure to consider evidence of rehabilitation, reasoning that courts are "not required to expressly discuss all of" a party's arguments in a § 3582 motion and that "the district court … emphasized Tinker's extensive criminal history and the need to protect the public, which was within its discretion to do." *Id.* at 1241. In subsequent cases, the Eleventh Circuit has held even more starkly that a district court need not consider post-sentencing rehabilitation *at all* when adjudicating motions for relief under 18 U.S.C. § 3582. *See, e.g., United States v. Estacio,* No. 24-12702, 2025 WL 1355234, at *4 (11th Cir. May 9, 2025) (holding that a district court is "not *required* to consider, much less give significant weight to, [a defendant's] post-sentencing rehabilitation"); *United States v. Valencia*, No. 24-13656, 2025 WL 928854

(11th Cir. Mar. 27, 2025) (finding that "[t]he district court ... was within its discretion to .... not consider [the defendant's] post-conviction conduct" under 18 U.S.C. § 3582).

Sixth Circuit. The Sixth Circuit similarly allows district courts to rely on static past facts to find a defendant to be a danger to the community and deny a compassionate release motion without discussing changed circumstances or new evidence.

In one case, for example, the district court's order denying a compassionate release motion indicated that the court had "previously considered all mitigating circumstances at Sentencing." *United States v. Gaston*, 835 F. App'x 852, 854 (6th Cir. 2020). On appeal, the defendant contended that the district court's exclusive reliance on mitigating evidence presented *at sentencing* impermissibly ignored the evidence in his compassionate release motion about his "post-sentencing rehabilitative efforts." *Id.* The Sixth Circuit disagreed, holding that a court may limit its consideration to "the record from a defendant's initial sentencing when considering modifying his sentence," even when a compassionate release motion cites changed circumstances and presents new evidence. *Id.* at 855. Elsewhere, the Sixth Circuit (in a split decision) declined to follow the Fifth Circuit's approach requiring some individualized consideration of rehabilitation evidence and instead endorsed pro forma denials of motions for compassionate release that do not address new "evidence of … rehabilitation." *See United States v. McGuire*, 822 F. App'x 479, 480 (6th Cir. 2020) (affirming denial of motion for compassionate release);

see id. at 480-81 (Stranch, J., dissenting) (detailing conflict between the Fifth and Sixth Circuits).

In sum, the Sixth and Eleventh Circuits do not require a district court to even acknowledge—much less actually take into account—a defendant's rehabilitative efforts in assessing dangerousness. Instead, the Sixth and Eleventh Circuits will affirm any dangerousness finding memorialized in a pro forma order, an order solely invoking a defendant's criminal history, or an order incorporating a prior order by reference.

II. The Sixth And Eleventh Circuits' Approach To Orders Denying Motions For Compassionate Release Or Reduction Of Sentence Is Wrong And Leads To Unjust Results.

The Sixth and Eleventh Circuits' decisions do not comport with this Court's jurisprudence on reasoned decisionmaking and make many denials of motions under § 3582 effectively unreviewable.

1. Pursuant to the policy statement in U.S.S.G. § 1B1.13, a district court considering a motion for relief under 18 U.S.C. § 3582(c)(1) must evaluate whether "the defendant is … a danger to the safety of any other person or to the community" before granting relief. This requirement obligates the district court to assess "the extent to which [a defendant] remains" a threat "*at the time he seeks compassionate release*." *Greene*, 516 F. Supp. 3d at 25 (Jackson, J.) (emphasis added). The Supreme Court's decision in *Chavez-Meza v. United States*, 585 U.S. 109 (2018) governs that new assessment.

In *Chavez-Meza*, this Court reinforced the touchstone of judicial decisionmaking: A court must provide sufficient explanation for a decision "to allow for meaningful appellate review." 585 U.S. at 115-16 (quoting *Gall v. United States*, 552 U.S. 38, 50 (2007)); *cf. Morrissey v. Brewer*, 408 U.S. 471, 489 (1972) (observing, in the parole-revocation context, that due process requires "a written statement by the factfinders as to the evidence relied on and reasons for" a decision). This standard is flexible, as the amount of explanation a district court is required to provide in connection with sentencing decisions depends "upon the circumstances of the particular case." *Chavez-Meza*, 585 U.S. at 116. "In some cases, it may be sufficient for purposes of appellate review that the judge simply relied upon the record, while making clear that he or she has considered the parties' arguments." *Id.* "But in other cases, more explanation may be necessary (depending, perhaps, upon the legal arguments raised…)." *Id.* Such additional explanation is obviously necessary when "evidence in the record affirmatively show[s] that the sentencing judge failed to consider" certain relevant factors. *Id.* But this Court was careful to specify in *Chavez-Meza* that more specific explanation may be necessary even without such affirmative evidence. *Id.*

The Fourth and Fifth Circuits have faithfully applied the foundational principles undergirding *Chavez-Meza* in the § 3582 context. Those Circuits recognize that a court does not discharge its obligation to explain its decision when it provides inapposite reasons—for example, when it cites static past facts about the defendant's offense or criminal history in response to arguments about post-sentencing

rehabilitation. *Supra* at 13-16. Similarly, a district court does not discharge its obligation to explain its decision when its order incorporates a *prior* decision that, by definition, did not consider newly presented evidence, like new rehabilitation evidence. *Supra* at 13-16. Recognizing, however, that "[l]itigants sometimes pepper a district court with repetitive motions, and orders invoking 'the same reasons stated' in an earlier ruling are an important docket-management tool," *Handlon*, 53 F.4th at 353, these Circuits have been careful to craft these rules in a way that does not tie district courts' hands. So long as a successive motion "has not presented changed factual circumstances," a district court may adopt the reasoning of a prior order to deny the motion in relatively terse fashion. *E.g.*, *United States v. Pina*, No. 21-50983, 2023 WL 1990533, at *1 & n.1 (5th Cir. Feb. 14, 2023). But new arguments and new circumstances require fresh consideration.

Conversely, the Sixth and Eleventh Circuits misapply *Chavez-Meza.* They erect a virtually irrebuttable presumption that a district court has considered (and rejected) newly presented rehabilitation evidence, even when the district court references only static criminal history information or incorporates a prior decision that did not confront the new rehabilitation evidence. *Supra* at 16-20. But those facts—reliance on inapposite facts and/or a prior decision not accounting for changed circumstances—are precisely the kind of "evidence in the record affirmatively showing" the court may *not* have considered the relevant factor that trigger a requirement for *some* additional explanation—even if modest—under *Chavez-Meza.* *See* 585 U.S. at 116. Indeed, at least one Circuit Judge

in the Sixth Circuit has recognized the conflict between its approach and *Chavez-Meza*. *See McGuire*, 822 F. App'x at 481 (Stranch, J., dissenting).

2. The Sixth and Eleventh Circuits' failure to follow *Chavez-Meza* has a significant practical effect: It "frustrates meaningful appellate review of" compassionate release motions. *Id.* at 480-81. Put another way, those Circuits give district courts effectively unreviewable power to adhere to their originally imposed sentence, or their denial of a first compassionate-release motion—even in cases where "extraordinary and compelling reasons" permitting a sentencing reduction indisputably exist. *Cf. id.* at 480 (majority opinion affirming denial of compassionate release motion even assuming "extraordinary and compelling reasons ma[de the defendant] eligible for compassionate release"). If a district court concludes, at sentencing or in weighing a defendant's first motion for compassionate release, that the defendant's criminal history and offense conduct makes him a danger to the community, all the district court must say to deny the defendant's later motion and survive appellate review is that "nothing has changed" its view if the defendant comes back to the court. Pet. App. 9a; *Gaston*, 835 F. App'x at 854-55. No matter how much rehabilitation a defendant has undergone, or how long he has been imprisoned, or how extraordinary and compelling his case for a sentence reduction, as long as the district court *once* found the defendant a danger to the community, it can continue to do so in perpetuity.

This would narrow to the point of vanishing the availability of compassionate release and sentence

reduction under § 3582: "If a district court's original § 3553(a) analysis could always prove that a sentence reduction would intolerably undermine the § 3553(a) factors, then 18 U.S.C. § 3582(c)(1) would, in effect, be a nullity." *United States v. Kibble*, 992 F.3d 326, 335 (4th Cir. 2021) (Gregory, C.J., concurring); *see also United States v. Gluzman*, No. 96-CR-323, 2020 WL 6526238, at *7 (S.D.N.Y. Nov. 5, 2020) (observing that if a district court "could never impose a sentence lighter than that [initially warranted by the § 3553(a) factors], no one could ever be released on compassionate release"). That result would be particularly incongruous given that both Congress and the Sentencing Commission have seen fit to *expand* the availability of relief under § 3582(c)(1)(A) in recent years through the First Step Act and amendments to § 1B1.13.

If Congress wanted to limit compassionate release to only those defendants with a limited criminal history who had already evinced significant rehabilitation at the time of sentencing, it could have done so. But it did not. Instead, as Justice Jackson has previously observed, "Congress clearly contemplated the possibility that defendants convicted of the most heinous crimes would seek—and, in appropriate cases, receive—compassionate release." *Greene*, 516 F. Supp. 3d at 26. To allow district courts to functionally remove this opportunity for movants like Mr. Williams in effect "rewrite[s] the laws passed by Congress and signed by the President"—which "is not the proper role of the courts." *Nasrallah v. Barr*, 590 U.S. 573, 583 (2020).

3. Turning to the bigger picture, a district court's failure to meaningfully consider a defendant's post-

sentencing rehabilitation in connection with a compassionate-release motion goes against one of the core tenets of the American criminal justice system. "The criminal justice system is not operated primarily for the benefit of victims, but for the benefit of society as a whole. Thus, it is concerned not only with punishing the offender, but also with rehabilitating him." *Kelly v. Robinson*, 479 U.S. 36, 52 (1986); *see also Tapia v. United States*, 564 U.S. 319, 325 (2011) ("rehabilitation," along with "retribution, deterrence, [and] incapacitation," "are the four purposes of sentencing"). "[R]ightly or wrongly, this country's criminal justice system is premised on the idea that a person can—and hopefully will—change after several years locked in prison." *United States v. Ledezma-Rodriguez*, 472 F. Supp. 3d 498, 505-06 (S.D. Iowa 2020).

The Sixth and Eleventh Circuits' undue focus on a defendant's initial offense and criminal history, relegating rehabilitation to an afterthought at most, unfairly burdens a defendant with factors they will never be able to change. As the Ninth Circuit has recognized in the context of California parole, "[a] continued reliance in the future on an unchanging factor, the circumstance of the offense and conduct prior to imprisonment, runs contrary to the rehabilitative goals espoused by the prison system." *Biggs v. Terhune*, 334 F.3d 910, 917 (9th Cir. 2003), *overruled in part on other grounds by Hayward v. Marshall*, 603 F.3d 546 (9th Cir. 2010); *see also Irons v. Carey*, 505 F.3d 846, 854 (9th Cir. 2007) (observing that "in some cases," repeatedly denying parole available under state law "based solely on an inmate's commitment offense, regardless of the extent of his rehabilitation,

will at some point violate due process"), *overruled in part on other grounds by Hayward*, 603 F.3d at 555.

Moreover, "[w]hen evaluating the risk of releasing a defendant into the community" *today*, a district court should "look beyond the inherent dangerousness of the offense that the defendant committed" in the past. *Greene*, 516 F. Supp. 3d at 25. Yet the Sixth and Eleventh Circuits' approach gives license to district courts to ignore a defendant's progression after their incarceration. This means when a court weighs a motion for compassionate release or sentence reduction, it may focus on the entirely wrong time in a defendant's life.

III. This Petition Is An Excellent Vehicle For Review.

Two factors make this case an ideal vehicle to review the question presented.

First, Mr. Williams raised below not only the legal question presented, but also the existence of the circuit split at issue. CA11 Appellant Br. 7-10. As a result, the Eleventh Circuit directly confronted, and expressly declined to follow, the Fourth Circuit's approach for reviewing the denial of motions for compassionate release and sentence reduction under 18 U.S.C. § 3582. Pet. App. 5a-6a. The Court should seize on this opportunity to review the clear and acknowledged split. Because "[t]here is no right to counsel in postconviction proceedings," *Garza v. Idaho*, 586 U.S. 232, 245 (2019), many—if not virtually all—compassionate release motions and resulting appeals are brought pro se. Pro se movants may not preserve the

question presented for review in future cases, much less draw an appellate court's attention to the circuit split implicated here so that the appellate court may intelligently address it. The Eleventh Circuit's reasoned, if unpublished, consideration of the Fourth Circuit's conflicting position is likely to be rare in this kind of case and renders this petition a uniquely good vehicle for review.

Second, but relatedly, compassionate release motions are often denied (and such denials affirmed) on a variety of alternate independent grounds—perhaps in part due to the pro se status of many movants. Numerous *independent* grounds for a district court's decision or an appellate court's affirmance may frustrate this Court's review on any individual ground. Here, however, the district court denied Mr. Williams's motion on a single ground: that "[n]othing ha[d] changed since the Court's prior order to alter the conclusion that [Mr. Williams] is a danger to the community." Pet. App. 9a. The Eleventh Circuit's decision was similarly limited to the single ground addressed by the district court. Pet. App. 5a-6a. That makes this case a uniquely good vehicle for reviewing the question presented.

The government will no doubt oppose certiorari by arguing that Mr. Williams's motion did not set out "extraordinary and compelling reasons warrant[ing]" compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i) and U.S.S.G. § 1B1.13(b), regardless of whether or not he remains a danger to the community. That is wrong, but ultimately immaterial. No court has considered that question. Whatever a court might say about that question on remand, there is at

present no alternative holding standing as an obstacle this Court's review of the question presented. The Court should take the opportunity to address the legal question presented and resolve the circuit split, leaving it to the lower courts in the first instance to decide—under the correct standard and in consideration of the evidence before it—whether Mr. Williams is ultimately entitled to compassionate release or a sentence reduction.

CONCLUSION

This Court should grant the petition for a writ of certiorari.

Respectfully submitted,

Nicole Ries Fox
ORRICK, HERRINGTON & SUTCLIFFE LLP
2050 Main Street
Suite 1100
Irvine, CA 92614

Brenna Ferris Neustater
ORRICK, HERRINGTON & SUTCLIFFE LLP
2100 Pennsylvania Avenue, NW
Washington, DC 20037

E. Joshua Rosenkranz
Counsel of Record
Alyssa Barnard-Yanni
ORRICK, HERRINGTON & SUTCLIFFE LLP
51 West 52nd Street
New York, NY 10019
(212) 506-5000
jrosenkranz@orrick.com

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