

THE SUPREME COURT  
FOR THE UNITED STATES OF AMERICA

Mauro Gutierrez Gutierrez

- Petitioner

v.

Originating Case: 24-3806

United States of America

Respondent

Motion Seeking A 60-Day  
Extension Of Time

Now comes the Petitioner, Mauro Gutierrez Gutierrez, pro se and in forma pauperis, with a motion seeking a 60-day extension of time to file a writ of certiorari with the Supreme Court of the United States. He is seeking an extension of time do to the fact he speaks very little English and it takes him a long time to assimilate the cases he reads. Also, this institution is short-staffed and it results in interruption of services including the library and law library.

Given what has been stated he asks the Honorable Court to GRANT his request for an extension of time.

April 21, 2025

Submitted by:



Mauro Gutierrez Gutierrez

**NOT RECOMMENDED FOR PUBLICATION**

No. 24-3806

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**FILED**

Mar 5, 2025

KELLY L. STEPHENS, Clerk

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff-Appellee,	)	
	)	ON APPEAL FROM THE UNITED
v.	)	STATES DISTRICT COURT FOR
	)	THE NORTHERN DISTRICT OF
MAURO GUTIERREZ-GUTIERREZ,	)	OHIO
	)	
Defendant-Appellant.	)	

**ORDER**

Before: STRANCH, MURPHY, and MATHIS, Circuit Judges.

Mauro Gutierrez-Gutierrez, a federal prisoner proceeding pro se, appeals the district court's order denying his motion for a sentence reduction under 18 U.S.C. § 3582(c)(2). This case has been referred to a panel of the court that, upon examination, unanimously agrees that oral argument is not needed. *See* Fed. R. App. P. 34(a). For the following reasons, we affirm.

In 2023, Gutierrez-Gutierrez pleaded guilty to distributing methamphetamine, possessing with intent to distribute fentanyl, and illegally reentering the United States. In a written plea agreement, the parties agreed that Gutierrez-Gutierrez was subject to a mandatory minimum sentence of 120 months of imprisonment and that a 120-month sentence would be appropriate. In accordance with the plea agreement, the district court sentenced Gutierrez-Gutierrez to 120 months of imprisonment.

In July 2024, Gutierrez-Gutierrez moved for a sentence reduction under § 3582(c)(2), arguing that Amendment 821 to the United States Sentencing Guidelines reduced his applicable guidelines range because he had zero criminal-history points. He also cited his efforts at post-sentencing rehabilitation in support of his motion. The district court denied Gutierrez-Gutierrez's

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motion, finding that he was ineligible for a sentence reduction because Amendment 821 did not reduce his applicable guidelines range for three reasons: (1) Gutierrez-Gutierrez did not receive any criminal-history “status points” at sentencing, (2) the amendment did not reduce his criminal-history category, and (3) he was sentenced to the mandatory minimum term of imprisonment.

On appeal, Gutierrez-Gutierrez argues that Amendment 821 renders him eligible for a sentence reduction under § 3582(c)(2) because he “has zero criminal history points.” He also cites his post-sentencing conduct in support of his motion.

Section 3582(c)(2) provides a narrow remedy that allows a defendant to seek a reduction of his sentence if there has been a retroactive change to his applicable guidelines range. *See United States v. Carter*, 500 F.3d 486, 489-90 (6th Cir. 2007). Relief is warranted only if the district court finds both that (1) the defendant is eligible for a reduction because the retroactive amendment effectively lowers his applicable guidelines range and “a reduction is consistent with applicable policy statements” and (2) the 18 U.S.C. § 3553(a) sentencing factors support a reduction. § 3582(c)(2); *see United States v. Webb*, 760 F.3d 513, 518 (6th Cir. 2014). Where, as here, “a district court’s refusal to modify a sentence rests on a determination that the defendant is ineligible for a sentence reduction, we review *de novo* the district court’s eligibility determination.” *United States v. Valentine*, 694 F.3d 665, 669 (6th Cir. 2012) (citation omitted).

Gutierrez-Gutierrez is ineligible for a sentence reduction under § 3582(c)(2) because Amendment 821 does not reduce his applicable guidelines range. First, Gutierrez-Gutierrez was sentenced under the 2023 version of the United States Sentencing Guidelines, which incorporated the changes effectuated by Amendment 821. Second, Part B of Amendment 821 did not affect Gutierrez-Gutierrez’s criminal-history category because he was not a zero-point offender: he had two criminal-history points for a marijuana-possession conviction. *See* USSG Amend. 821, Pt. B, Subpt. 1; USSG § 4C1.1(a)(1) (Nov. 1, 2023). Gutierrez-Gutierrez resists this conclusion, arguing that he should not have received two criminal-history points for this conviction because the underlying conduct took place more than ten years before his instant offenses. Not only is that

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argument not properly before us, it also is facially meritless: Gutierrez-Gutierrez was convicted of the possession offense based on conduct occurring in 2018.

For the foregoing reasons, we **AFFIRM** the district court's order.

ENTERED BY ORDER OF THE COURT

  
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Kelly L. Stephens, Clerk