No. 24-1255

In the Supreme Court of the United States

MALCOM ANWAR WILLIAMS, PETITIONER

v.

UNITED STATES OF AMERICA

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

BRIEF FOR THE UNITED STATES IN OPPOSITION

D. JOHN SAUER
Solicitor General
Counsel of Record
MATTHEW R. GALEOTTI
Acting Assistant Attorney General
ETHAN A. SACHS
Attorney
Department of Justice
Washington, D.C. 20530-0001
SupremeCtBriefs@usdoj.gov
(202) 514-2217

QUESTION PRESENTED

Whether the district court was required to provide additional explanation of its denial of petitioner's third motion for a sentence reduction.

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases:

Cases—Continued: Page

Statutes and guidelines:

In the Supreme Court of the United States

No. 24-1255

MALCOM ANWAR WILLIAMS, PETITIONER

v.

UNITED STATES OF AMERICA

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

BRIEF FOR THE UNITED STATES IN OPPOSITION

OPINIONS BELOW

The opinion of the court of appeals (Pet. App. 1a-7a) is available at 2025 WL 401203. The order of the district court (Pet. App. 8a-10a) is unreported.

JURISDICTION

The judgment of the court of appeals was entered on February 5, 2025. On April 18, 2025, Justice Thomas extended the time within which to file a petition for a writ of certiorari to and including June 5, 2025, and the petition was filed on that date. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATEMENT

Following a guilty plea in the United States District Court for the Southern District of Florida, petitioner was convicted on one count of Hobbs Act robbery, in violation of 18 U.S.C. 1951(a). Pet. App. 2a, 11a. The

district court sentenced petitioner to 151 months of imprisonment, to be followed by three years of supervised release. *Ibid.*; Judgment 2-3. Petitioner did not appeal.

In 2020, petitioner filed a motion for a sentence reduction under 18 U.S.C. 3582(c)(1)(A)(i). D. Ct. Doc. 103 (Aug. 13, 2020). The district court denied the motion, Pet. App. 11a-15a, and the court of appeals affirmed, 2021 WL 6101491. In 2022, petitioner filed a second motion for a sentence reduction. D. Ct. Doc. 128 (Aug. 26, 2022). The district court again denied the motion, D. Ct. Doc. 129 (Aug. 31, 2022), and the court of appeals affirmed, 2023 WL 4234185. In June 2024, petitioner filed a third motion for a sentence reduction. D. Ct. Doc. 136 (June 11, 2024). The district court denied the motion, Pet. App. 8a-10a, and the court of appeals affirmed, *id.* at 1a-7a.

1. Between 1996 and 2000, petitioner was convicted in Florida state court on, *inter alia*, two counts of burglary, two counts of grand theft, five counts of attempted grand theft of an automobile, one count of possessing a firearm following a felony conviction, one count of battering a police officer, and one count of fleeing from a police officer. Presentence Investigation Report (PSR) ¶¶ 30-34. In 2001, petitioner was convicted in federal court on another count of possessing a firearm following a felony conviction and was imprisoned for that conviction until May 2004, after which he began a three-year term of supervised release. PSR ¶ 35.

In 2005, in the midst of his supervised release, petitioner on several occasions sold cocaine base to confidential law enforcement informants. PSR ¶ 36. Based on that conduct, petitioner pleaded guilty in federal court to one count of possessing five grams or more of cocaine base with intent to distribute. *Ibid.* Petitioner's

supervised release was revoked, and he was sentenced to 130 months, later reduced to 92 months, of imprisonment for his offense. *Ibid.* Petitioner remained incarcerated until 2013. *Ibid.*

2. In May 2015, petitioner and three accomplices robbed a jewelry store in Fort Lauderdale, Florida. PSR ¶¶ 7-8. Donning face masks, petitioner and his accomplices entered the store during a busy midday period and used large hammers to smash glass display counters. *Ibid.*; see D. Ct. Doc. 136, at 17 (petitioner describing his actions as "a 'smash and grab' job"). After removing 48 luxury watches—collectively valued at over $250,000—from the display counters, petitioner and the others left the store by car, eventually leading police on a high-speed chase through multiple nearby counties. PSR ¶¶ 8-11.

Petitioner pleaded guilty to one count of Hobbs Act robbery, in violation of 18 U.S.C. 1951(a). Pet. App. 2a, 11a. The Probation Office issued a presentence report that calculated an advisory guidelines range of 151 to 188 months. PSR ¶ 88. At petitioner's sentencing hearing, the government recommended a sentence of 188 months based on petitioner's prolonged criminal history, including his past violation of supervised release. Sent. Tr. 15-17. Petitioner's counsel recognized that there was "no doubt" about petitioner's criminal activity in the past, but asked the court to sentence petitioner to 60 months of imprisonment. *Id.* at 17, 24-25.

The district court reviewed the sentencing factors under 18 U.S.C. 3553(a), remarking that petitioner's "criminal history" was "not positive and weigh[ed] against him." Sent. Tr. 28. The court also applied several sentencing enhancements—including the career-offender

enhancement under United States Sentencing Guidelines § 4B1.2 (2014)—and sentenced petitioner to 151 months of imprisonment, to be followed by three years of supervised release. Sent. Tr. 12-14, 29-31.

3. In 2016, petitioner filed a motion to vacate his sentence under 28 U.S.C. 2255, but subsequently withdrew the motion. D. Ct. Doc. 84 (Mar. 23, 2016). In 2017, petitioner filed a second motion to vacate his sentence under 28 U.S.C. 2255, which the district court denied. 17-cv-61598 D. Ct. Doc. 80 (Mar. 20, 2019). The Eleventh Circuit denied a certificate of appealability. 19-11214 C.A. Doc. 9-2 (May 23, 2019).

In 2020, petitioner filed a motion for a sentence reduction under 18 U.S.C. 3582(c)(1)(A)(i), under which a court "may reduce the term of imprisonment," "after considering the factors set forth in [18 U.S.C.] 3553(a) to the extent that they are applicable," "if it finds" that "extraordinary and compelling reasons warrant such a reduction" and that "such a reduction is consistent with applicable policy statements issued by the Sentencing Commission." Petitioner's motion asserted that, due to subsequent changes in the law, he would no longer be classified as a career offender. D. Ct. Doc. 103; Pet. App. 11a-13a.

The district court denied the motion for three reasons. First, the court found that petitioner had failed to establish an extraordinary or compelling reason to reduce his sentence. Pet. App. 13a. Second, the court determined that releasing petitioner from custody "would not be consistent with [18 U.S.C.] 3553(a) because it would not reflect the seriousness of the offense, provide just punishment or provide adequate individual or general deterrence." *Id.* at 14a. Third, the court found that

releasing petitioner before the completion of his sentence "would present a danger to the community." *Ibid.* The court observed that petitioner had been convicted of numerous felonies, including several violent offenses, and continued to "understate[]" and "ignore[]" much of his criminal history. *Ibid.* The court of appeals affirmed. 2021 WL 6101491.

In 2022, petitioner filed a second motion for a sentence reduction, raising an argument based on this Court's decision in *Concepcion* v. *United States*, 597 U.S. 481 (2022). D. Ct. Doc. 128. The district court denied the motion, explaining that (1) to the extent the motion constituted a successive motion under 28 U.S.C. 2255, the court lacked jurisdiction over the motion; and (2) to the extent the motion constituted a motion for a sentence reduction under 18 U.S.C. 3582(c)(1)(A)(i), petitioner had failed to exhaust his administrative remedies and, in any event, had not shown an extraordinary and compelling reason for relief. D. Ct. Doc. 129. The court of appeals affirmed. 2023 WL 4234185.

4. In 2024, petitioner filed a third motion for a sentence reduction, again relying on Section 3582(c)(1)(A)(i). See Pet. App. 8a. Petitioner's motion included an assertion of post-sentencing rehabilitation, based on his completion of academic and vocational programs in prison. D. Ct. Doc. 136, at 11-13. The district court denied the motion. Pet. App. 8a-10a.

The district court observed that "a district court can only grant a reduction in sentence" under 18 U.S.C. 3582(c)(1)(A)(i) "if it will be consistent with the policy statements of the United States Sentencing Commission as set forth in [Sentencing Guidelines] § 1B1.13," which require a finding that the prisoner would not "be

'a danger to the safety of any other person or to the community.'" Pet. App. 8a-9a (quoting Sentencing Guidelines § 1B1.13(a)(1)(A)(2)). The court observed that it "ha[d] previously found relative to an earlier motion filed by [petitioner] that he would be a danger to the community if he is released early from incarceration"; that its prior "finding that [petitioner] would be a danger to the community was affirmed on appeal"; and that petitioner's presentence report revealed numerous "felony convictions over the years," including convictions for "two burglaries, two felon in possessions, two grand thefts, five attempted automobile thefts, one battery on a law enforcement officer, one fleeing and eluding and one possession with the intent to distribute." *Id.* at 9a.[1] And the court determined that "[n]othing ha[d] changed since the Court's prior order to alter [its] conclusion." *Ibid.*

5. The court of appeals granted the government's request for summary affirmance in a per curiam, unpublished order. Pet. App. 1a-7a. The court held that the district court had not abused its discretion and had provided sufficient explanation in declining to reduce petitioner's sentence under 18 U.S.C. 3582(c). *Id.* at 4a-7a. The court of appeals observed that "[t]he district court denied [petitioner's] motion * * * on the ground that [petitioner] would be a danger to the community if

[1] The district court also referenced a conviction for "strong arm robbery." Pet. App. 9a. Petitioner was charged for attempted strong arm robbery while he was a juvenile in 1993. PSR ¶ 28. Petitioner was also charged with strong arm robbery as an adult in 1996, but that charge was reduced to grand theft, for which petitioner was convicted. PSR ¶ 30. Petitioner has never objected to the apparent inaccuracy.

released," which meant that "one of the required conditions in [Sentencing Guidelines] § 1B1.13 for a sentence reduction was not satisfied." *Id.* at 4a-6a. And the court of appeals observed that the district court had explained its rationale, "not[ing] that it had made the same finding" before and "citing [petitioner's] prior felony convictions." *Id.* at 5a.

The court of appeals rejected petitioner's arguments that the district court had inappropriately ignored his evidence of rehabilitation, finding that "the district court did not fail to consider his rehabilitative efforts." Pet. App. 6a. "Rather," the court of appeals observed, "the district court implicitly considered [petitioner's] rehabilitation arguments when, after reviewing his motion, it determined that 'nothing had changed' to alter its conclusion that [petitioner] remained a danger to the community if released." *Ibid.* (brackets omitted). In a footnote, the court noted that petitioner had "[c]it[ed] decisions from the Fourth Circuit" in arguing that a district court "must provide a detailed explanation as to why the defendant's rehabilitation does not warrant a sentence reduction," but commented that those cases were "out-of-circuit precedent" that were "not binding." *Id.* at 5a n.4.

ARGUMENT

Petitioner contends that the court of appeals erred in finding that the district court provided an adequate explanation in denying petitioner's third sentence-reduction motion. The court of appeals' fact-bound and nonprecedential decision was correct and does not conflict with any decision of this Court or any other court of appeals. Further review is unwarranted.

1. The court of appeals correctly determined that the district court provided sufficient explanation for its

denial of petitioner's motion for a sentence reduction under 18 U.S.C. 3582(c)(1)(A).

a. In *Chavez-Meza* v. *United States*, 585 U.S. 109 (2018), this Court considered the adequacy of a district court's explanation for the extent of a sentence reduction granted under 18 U.S.C. 3582(c)(2), which allows a court to reduce a sentence based on an explicitly retroactive change to the Sentencing Guidelines. The Court held that, even "assuming * * * district courts have equivalent duties when initially sentencing a defendant and when later modifying [his] sentence," a district court "need only 'set forth enough to satisfy the appellate court that [it] has considered the parties' arguments and has a reasoned basis for exercising [its] own legal decisionmaking authority.'" *Chavez-Meza*, 585 U.S. at 113, 115 (citation omitted).

The Court emphasized that the required amount of explanation "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 and taken account of the [18 U.S.C.] 3553(a) sentencing factors, among others." *Ibid.* "[T]he judge need not provide a lengthy explanation if the 'context and the record'"—including "what the judge said at petitioner's initial sentencing"—already "make clear that the judge had 'a reasoned basis'" for the decision. *Id.* at 117, 119 (quoting *Rita* v. *United States*, 551 U.S. 338, 356, 359 (2007)).

Applying those principles, the Court in *Chavez-Meza* upheld a district court's disposition of a sentence-reduction motion even though the district court had merely certified on an administrative form that it had

"considered" petitioner's motion and "taken into account" relevant factors. 585 U.S. at 114 (brackets and citation omitted). The Court observed that the "record was before the judge when he considered petitioner's request for a sentence modification" and that "[h]e was the same judge who had sentenced petitioner originally." *Id.* at 118. Under those circumstances, the judge's "minimal" explanation was sufficient "given the simplicity of [the] case, the judge's awareness of the arguments, his consideration of the relevant sentencing factors, and the intuitive reason" that could be discerned for the judge's decision in light of "the record as a whole." *Id.* at 119-120.

b. The district court's denial of petitioner's motion provided a sufficient explanation under the standard set forth in *Chavez-Meza*. The district judge who decided petitioner's sentence-reduction motion had not only sentenced petitioner, but had also adjudicated petitioner's collateral attacks under 28 U.S.C. 2255 and his two earlier sentence-reduction motions. See pp. 4-6, *supra*. And as the court of appeals recognized, the district court's explanation indicated that it had taken into account the relevant considerations and had adequately identified its basis for denying the motion. See Pet. App. 5a-6a.

In particular, the district court "denied [petitioner's] motion * * * on the ground that [petitioner] would be a danger to the community if released," which is "one of the required conditions * * * for a sentence reduction." Pet. App. 4a-6a. In doing so, the court noted "that it had made the same finding" in denying a prior sentence-reduction motion and "cit[ed]" petitioner's extensive criminal history, including convictions for "'two burgla-

ries, two felon in possessions, two grand thefts, five attempted automobile thefts, one battery on a law enforcement officer, one fleeing and eluding and one possession with the intent to distribute.'" *Id.* at 5a (citation omitted). The district court then "implicit[ly] considered [petitioner's] rehabilitation arguments" by explaining that "'nothing had changed' to alter [his] conclusion that [petitioner] posed a danger to the community if released." *Id.* at 6a (brackets and citation omitted).

Under the principles that this Court articulated in *Chavez-Meza*, the explanation was plainly sufficient to explain the district court judge's rationale in light of "the record as a whole." 585 U.S. at 119. And the court of appeals evidently found the explanation sufficient for purposes of meaningful appellate review. See Pet. App. 5a-6a.

c. Petitioner argues that, when a sentence-reduction motion raises "arguments about post-sentencing rehabilitation," this Court's decision in *Chavez-Meza* requires judges to do more than "cite[] static past facts about the defendant's * * * criminal history" and "incorporate[]" their "prior decision[s]" about dangerousness. Pet. 21-22 (emphasis omitted). But as petitioner elsewhere acknowledges, the standard articulated in *Chavez-Meza* is "flexible" and requires no more explanation than necessary to make the judge's reasoning discernable under "the circumstances of the particular case." Pet. 21 (quoting *Chavez-Meza*, 585 U.S. at 116). And *Chavez-Meza* itself confirms that a district judge's reasoning may be discerned from "what the judge said at petitioner's initial sentencing." 585 U.S. at 119.

Petitioner errs in suggesting (Pet. 21-22) that the district court here simply "cite[d] static facts" about petitioner's criminal history without considering petitioner's

rehabilitation arguments. As the court of appeals explained, "the district court implicitly considered [petitioner's] rehabilitation arguments when, after reviewing his motion, it determined that 'nothing had changed' to alter its conclusion that [petitioner] remained a danger to the community if released." Pet. App. 6a (brackets omitted).

Given the district court's lengthy experience with petitioner's case and the "intuitive" reason for its denial of petitioner's motion, "there was not much else for the judge to say." *Chavez-Meza*, 585 U.S. at 119-120. It is natural that the district court would find that petitioner's updated information about his conduct in prison —such as his compliance with every prisoner's duty to avoid disciplinary infractions—insufficient to alleviate the danger posed by a 15-time offender who had quickly returned to crime after a prior stint in federal prison. And the court of appeals understood the district court's reasoning and found no abuse of discretion in its denial of a sentence reduction. See Pet. App. 5a-6a.

2. Petitioner asserts (Pet. 12-14) that the court of appeals' decision below conflicts with decisions of the Fourth and Fifth Circuits that petitioner reads (Pet. 1) as requiring district courts to "explicitly acknowledge and consider evidence of post-sentencing rehabilitation." The decision below does not conflict with any of the decisions on which petitioner relies, none of which adopts the sort of categorical requirement that petitioner describes.

a. The Fourth Circuit decisions that petitioner cites (Pet. 13-15) all addressed factual circumstances in which it was unclear whether the district court considered the petitioner's arguments, thus leaving the court of appeals "in the dark as to the reasons for [the district

court's] decision." *United States* v. *Martin*, 916 F.3d 389, 398 (2019).

The Fourth Circuit's decision in *Martin*, for example, involved review of the extent of explanation for denial of a Section 3582(c)(2) motion, where the prisoner had presented a "mountain of new mitigating evidence," which the government agreed included "among the best" "post-sentencing behavior" by a defendant "that it ha[d] seen." 916 F.3d at 397. In that circumstance, the Fourth Circuit could not meaningfully review the district court's decision "given the complex record full of new mitigation evidence and the lack of the original sentencing transcript." *Id.* at 396-398. Similarly, in *United States* v. *McDonald*, 986 F.3d 402 (2021), the Fourth Circuit required further explanation when the defendants' rehabilitation evidence spanned "nearly two decades in prison" and it was "not at all clear that the district court considered or gave any weight to [the defendants'] post-sentencing conduct" because the district court "merely included a single checkmark 'granting' the motion" in part. *Id.* at 412 (citation omitted). See *United States* v. *Davis*, 99 F.4th 647, 660-661 (4th Cir. 2024) (finding the district court's explanation about the defendant's "mitigation evidence" insufficient because, among other reasons, "a great deal [had] change[d] before [the defendant] moved for compassionate release").

None of those case-specific determinations demonstrates that the Fourth Circuit would disagree with the court below about either the proper interpretation of the district court's explanation—namely, that it had found the rehabilitation evidence did not move the needle—or the ability of the appellate court to meaningfully review the district court's decision, which followed on a series of postconviction denials. Petitioner errs in

arguing (Pet. 1, 14) that the Fourth Circuit's decision in *Martin* establishes a general rule that "it is patently insufficient * * * for a district court to deny a § 3582(c) motion based on a bare recital of a defendant's criminal history," without "explicitly acknowledg[ing]" asserted evidence of rehabilitation. As petitioner acknowledges (Pet. 13-14), *Martin* (like *Chavez-Meza*) "recognizes that the amount of explanation necessary * * * will depend on the context." See *Martin*, 916 F.3d at 396 (explaining that the "extent of explanation" a district court is "required" to provide "depends on the facts of each case").

Moreover, the Fourth Circuit has expressly disavowed a reading of *Martin* that would require district courts to "'acknowledge[] and address[]' each * * * argument[] for relief" in all cases with purported evidence of rehabilitation. *United States* v. *High*, 997 F.3d 181, 190 (2021) (citation omitted). And more broadly, the Fourth Circuit understands *Chavez-Meza* as "foreclos[ing] the categorical rule * * * that district courts must not only *consider* the parties' arguments with respect to a sentence-modification motion but most also invariably *acknowledge and address* each of the defendant's arguments on the record." *Id.* at 188-189 (emphases in original).

b. The Fifth Circuit decision on which petitioner relies (Pet. 15-16), *United States* v. *Handlon*, 53 F.4th 348 (2022), likewise does not conflict with the decision below. In *Handlon*, the Fifth Circuit found insufficient a district court's "one-sentence" incorporation of the "'reasons stated in the court's order' denying [a prior] motion" because, among other things, the judge deciding the motion "had not sentenced" the defendant, the decision denying the defendant's prior motion had only

generically stated that the relevant factors were considered, and the government had "not file[d] an opposition to" the current motion that might indicate the reasons for denial, as it had with the prior motion. *Id.* at 351-352 (brackets omitted). Under those circumstances, "it [was] not possible to discern from the earlier order what the district court thought about the relevant facts." *Id.* at 353.

In reaching that conclusion, however, the Fifth Circuit made clear that it was not adopting a broad rule. It recognized that "orders invoking 'the same reasons stated' in an earlier ruling are an important docket-management tool" and that the "[t]he amount of explanation required to meet" the *Chavez-Meza* "standard is context dependent." *Handlon*, 53 F.4th at 351, 353. And the Fifth Circuit has elsewhere recognized, consistent with *Chavez-Meza*, that an appellate court may "infer the district court's reasons" for denying a sentence-reduction motion "from something else in the record." *United States* v. *Stanford*, 79 F.4th 461, 463 (2023).

The Fifth Circuit has also expressly rejected arguments that a district court had failed to "explicitly or implicitly" consider a defendant's "rehabilitation in prison" when "the record as a whole support[ed] an inference that * * * the district court had a reasoned basis for denying a sentence reduction." *United States* v. *Kinlock*, No. 24-20043, 2024 WL 3898616, at *1 (Aug. 22, 2024) (per curiam); see *ibid.* (emphasizing that "[a] district court is not required to provide detailed reasons for denying a § 3582(c)(2) motion"); *United States* v. *Evans*, 587 F.3d 667, 673 (5th Cir. 2009) (similar), cert. denied, 561 U.S. 1011 (2010). Petitioner provides no sound basis for concluding that the Fifth Circuit would disagree

with the court of appeals' fact-bound understanding of the particular district-court decision here.

c. Petitioner mistakenly contends that the Sixth and Eleventh Circuits conflict with the decisions above by "relieving district courts of any obligation to actually consider rehabilitation evidence." Pet. 12 (emphasis omitted). The decision below, which is nonprecedential, adopted no such rule when it found that the district court had considered petitioner's evidence. Nor has the Eleventh Circuit otherwise done so.

To the contrary, the Eleventh Circuit has in different circumstances found a district court's explanation insufficient because, among other things, the record gave "no indication that the district court considered the new history and characteristics arguments" or the defendant's "post-incarceration rehabilitation." *United States* v. *Stevens*, 997 F.3d 1307, 1317 (2021); see *United States* v. *Jackson*, No. 23-12318, 2024 WL 3025332, at *4 (11th Cir. June 17, 2024) (per curiam) (concluding that a district court's explanation was insufficient in part because the record provided "no clear indication that the district court considered * * * more recent mitigating evidence" about the defendant's "rehabilitation efforts").

Unpublished decisions cited by petitioner (Pet. 18-19) are themselves nonprecedential and are best understood to mean that district courts need not expressly address rehabilitation evidence and have discretion over how much weight to assign such evidence. See Pet. 18-19 (citing *United States* v. *Estacio*, No. 24-12702, 2025 WL 1355234 (11th Cir. May 9, 2025), and *United States* v. *Valencia*, No. 24-13656, 2025 WL 928854 (11th Cir. Mar. 27, 2025) (per curiam)). And, in any event, any inconsistency in circuit practice would not warrant this Court's intervention. See *Wisniewski* v. *United States*,

353 U.S. 901, 902 (1957) ("It is primarily the task of a Court of Appeals to reconcile its internal difficulties.").

Petitioner is also incorrect in asserting (Pet. 16) that the decision below "expressly acknowledged" a circuit split. In a footnote, the court of appeals noted petitioner's argument construing "decisions from the Fourth Circuit" as requiring a district court to "provide a detailed explanation as to why the defendant's rehabilitation does not warrant a sentence reduction," and the court observed that those cases were "not binding" in the Eleventh Circuit. Pet. App. 5a n.4. That observation does not amount to agreement with petitioner's characterization of Fourth Circuit precedent or recognize a conflict, which does not exist for the reasons explained. And any conflict between the Sixth Circuit and the Fourth and Fifth Circuits—if it even existed[2]—would

---

[2] Petitioner's reliance (Pet. 19-20) on two unpublished Sixth Circuit decisions is misplaced. In *United States* v. *Gaston*, 835 Fed. Appx. 852 (2020), the Sixth Circuit merely acknowledged the principle that "district courts may consider the record from a defendant's initial sentencing when considering modifying his sentence" and found that the district court in that case had "acted well within its discretion by standing by its prior consideration of [the defendant's] mitigating factors." *Id.* at 855. And in *United States* v. *McGuire*, 822 Fed. Appx. 479 (2020), the Sixth Circuit found a district court's order adequate where "[t]he record plainly support[ed] the court's conclusion," "the court said that it conducted a complete review of the merits and considered all the relevant law," the court "adopted the presentence report and binding plea agreement" that discussed the relevant factors, and the court had appointed defense counsel, which "suggest[ed] that it sought a thorough treatment of the merits." *Id.* at 480. To the extent the dissent relied on a Fifth Circuit decision in urging a different result, see *id.* at 481 (Stranch, J., dissenting) (citing *United States* v. *Chambliss*, 948 F.3d 691, 693 (5th

not warrant review of the Eleventh Circuit's decision in this case.

3. This case also does not warrant further review because there is no sound basis for concluding that a decision by this Court would change the bottom-line outcome: the denial of petitioner's motion. To grant petitioner's motion to reduce his sentence under Section 3582(c)(1)(A)(i), the district court must make three determinations: first, that "the factors set forth in [18 U.S.C.] 3553(a)" favor a reduction, 18 U.S.C. 3582(c)(1)(A); second, that "extraordinary and compelling reasons warrant such a reduction," 18 U.S.C. 3582(c)(1)(A)(i)—which cannot be shown through evidence of "rehabilitation * * * by itself," Sentencing Guidelines § 1B1.13(d); and third, that "such a reduction is consistent with applicable policy statements issued by the Sentencing Commission," 18 U.S.C. 3582(c)(1)(A)—including that petitioner does not pose "a danger to the safety of any other person or to the community," Sentencing Guidelines § 1B1.13(a)(2). The district court has twice found that petitioner poses a danger to the community. Pet. App. 9a, 14a. And even setting that finding aside, the district court denied petitioner's prior motion for a sentence reduction based in part on its determination that petitioner's "release from custody would not be consistent with § 3553(a) because it would not reflect the seriousness of the offense, provide just punishment or provide adequate individual or general deterrence." *Id.* at 14a. There is accordingly little chance that further review would change the district court's disposition of petitioner's motion.

Cir. 2020)), it did not claim an overall difference between the circuits' approaches, let alone "detail[] [a] conflict between the Fifth and Sixth Circuits," Pet. 20.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted.

D. JOHN SAUER
Solicitor General
MATTHEW R. GALEOTTI
Acting Assistant Attorney General
ETHAN A. SACHS
Attorney

OCTOBER 2025