No. 24-1255

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

REPLY BRIEF FOR PETITIONER

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INTRODUCTION

The circuits are divided on an important question: whether district courts can find a defendant to be a danger to the community (and therefore deny compassionate release) based solely on static past facts, without acknowledging new evidence of rehabilitation. The government downplays the need for the Court's intervention with an inaccurate portrayal of the relevant circuit precedent and the decision below. But the case law is clear. The Fourth and Fifth Circuits hold that, if a district court expressly invokes past facts like the seriousness of the offense or a defendant's criminal history to find a defendant poses a *present* danger to the community, the court must reciprocally acknowledge countervailing evidence of rehabilitation. The Sixth and Eleventh Circuits, by contrast, do not require any mention of rehabilitation in these circumstances. Indeed, the decision below endorsed precisely the kind of order that would not pass muster in the Fourth and Fifth Circuits. The Court should grant review.

I. The Circuits Are Split On The Requisite Consideration Of New Rehabilitation Evidence When Denying Relief Under § 3582(c)(1)(A).

The circuits have adopted fundamentally different approaches to evidence of rehabilitation in the context of a motion for a reduced sentence or compassionate release under 18 U.S.C. § 3582(c). Pet. 12-20. The government's attempts to gloss over these disagreements, BIO 9-17, do not withstand scrutiny.

A. The Fourth and Fifth Circuits require district courts to acknowledge new evidence of rehabilitation when denying § 3582 motions based on static past facts.

Fourth Circuit. The government first argues the asserted split is illusory because the Fourth Circuit cases cited in the petition (at 13-15) "all addressed factual circumstances in which it was unclear whether the district court considered the petitioner's arguments." BIO 11. That is simply not true, and appears to conflate two related but distinct principles. In the Fourth Circuit, district courts *must* consider post-sentencing rehabilitation, but they can violate that obligation in two different ways: (1) by expressly relying on "the fact[] of [a defendant's] original transgressions" without "at least weigh[ing] [the defendant's] conduct in the years since their initial sentencings" *in the order itself*; or (2) by issuing an entirely unexplained order. *United States v. McDonald*, 986 F.3d 402, 412 (4th Cir. 2021).

The government ignores the first scenario, which is more relevant here and illustrated by *United States v. Martin*. There, as here, the defendant sought a sentence reduction based on changes to the applicable sentencing guidelines and extensive evidence of rehabilitation. 916 F.3d 389, 392 (4th Cir. 2019). The district court denied the motion. *Id.* at 393. In so doing, the district court stated that it had reviewed the defendant's motion and all relevant materials, but would deny the motion based on "[t]he seriousness of [the defendant's] actions and offenses," which involved "r[unning] a large multi-million-dollar, multi-jurisdiction drug operation … for years." *Id.*

The Fourth Circuit vacated the district court's order. As the Fourth Circuit explained, the defendant had "presented a mountain of new mitigating evidence," "corroborate[d]" by "documentary evidence," but "[t]he explanation the district court provided … was merely a recitation of Martin's original criminal behavior." *Id*. at 396-97. The Fourth Circuit criticized the district court for "memorializ[ing] Martin's past transgressions without giving any weight to the multitude of redemptive measures that Martin has taken since." *Id*. at 397. The error was, as the Fourth Circuit put it, the district court's "fail[ure] to address any of this new mitigation evidence" in its order. *Id*. In sum, the problem in *Martin* was not that the district court's order was unclear; it was that the order focused exclusively on static past facts and did not account for new evidence of rehabilitation—just like the decision below. *See also United States v. Davis*, 99 F.4th 647, 652 (4th Cir. 2024) (explicit reference to static past facts without mention of new rehabilitation evidence is impermissible under *Martin*).[1]

To be sure, *some* Fourth Circuit cases involve "unclear" orders. BIO 11. In *McDonald*, for example, the district court decided the sentence reduction motions by checking a box on a form, without "provid[ing] any reasoning for its decision." 986 F.3d at 403-04. But the animating principle in *McDonald* is the same as *Martin* and *Davis*: "While the district court is …

[1] The government is wrong to suggest the Fourth Circuit's rule applies only to defendants who have spent multiple decades in prison. BIO 12. The defendant in *Davis* had served about 8 years of his sentence at the time of his motion, 99 F.4th at 658, similar to Mr. Williams.

empowered in its discretion to consider the facts of [the defendants'] original transgressions, the district court must also at least weigh [their] conduct in the years since their initial sentencings." *Id.* at 412. Put otherwise, even in cases involving unexplained or unclear orders, the heart of the problem is the district court's failure to consider rehabilitation.

Contrary to the government's contention, BIO 11, *United States v. High*, 997 F.3d 181 (4th Cir. 2021), does not contradict the foregoing authority. To the contrary, *High* reaffirmed that a district court *does* need to address rehabilitation where a defendant "present[s] a significant amount of post-sentencing mitigation evidence." 997 F.3d at 190 (quoting *Martin*, 916 F.3d at 396) (brackets omitted). It simply observed that this obligation does not extend to *every* argument for relief in a § 3582 motion. Because the arguments there were about "vulnerability to COVID-19," not rehabilitation, *High* held the *Martin* rule to be inapplicable. 997 F.3d at 190.

Fifth Circuit. The government's attempt to recast Fifth Circuit precedent, BIO 13-15, is similarly unavailing. Mr. Williams's petition recognized that "orders invoking 'the same reasons stated' in an earlier ruling are an important docket-management tool." Pet. 22 (quoting *United States v. Handlon*, 53 F.4th 348, 353 (5th Cir. 2022)); *see* BIO 15. That did not stop the Fifth Circuit from recognizing in *Handlon* 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." 53 F.4th at 353. Contrary to the government's contention, BIO

14, this is a bright-line rule in the Fifth Circuit: Courts cannot cite only static past facts when circumstances have changed.

The Fifth Circuit confirmed a district court's obligation to give specific, *relevant* reasons for a decision on a compassionate-release motion in *United States v. Stanford*. *See* 79 F.4th 461, 462 (5th Cir. 2023) (quoting *United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020)); *see* Pet. 15. There, even though "the same district judge ha[d] ably presided over every chapter of the [case]," the compassionate-release motion presented "new arguments and allegedly new facts." 79 F.4th at 464. The court's sentencing decision and prior denials of previous compassionate-release motions thus provided "no reliable indication of the reason for the court's decision to deny relief." *Id*.

The unpublished decision in *United States v. Kinlock*, No. 24-20043, 2024 WL 3898616, at *1 (5th Cir. Aug. 22, 2024), does not change the law in the Fifth Circuit. BIO 14. *Kinlock* did not cite *Handlon*, *Stanford*, or *Chambliss*, let alone purport to limit their scope. Moreover, *Kinlock* turned principally on the fact that the district judge who denied the defendant's § 3582 motion had sentenced the defendant *just eight months prior*, and the motion did not present materially changed circumstances. 2024 WL 3898616, at *1.

United States v. Evans, 587 F.3d 667 (5th Cir. 2009), BIO 14, is even farther afield. That decision predates *Handlon*, *Stanford*, *Chambliss*, and even *Chavez-Meza v. United States*, 585 U.S. 109 (2018). And the district court in *Evans granted* the

defendant's motion and reduced his sentence. 587 F.3d at 669-70. Thus, the question in *Evans* was the amount of explanation necessary to justify "where in the [sentencing] range [a] modified sentence should fall." *Id*. at 673. This case, by contrast, is not about "a judge's choice among points on a range." *Chavez-Meza*, 585 U.S. at 117.

B. The Sixth and Eleventh Circuits do not require a court to consider new evidence of rehabilitation.

The Sixth and Eleventh Circuit cases cited in the petition are irreconcilable with the Fourth and Fifth Circuit precedent cited above.

Eleventh Circuit. The government's response to the Eleventh Circuit cases cited in the petition is largely to ignore them. BIO 15. The lack of engagement with *United States v. Tinker*, 14 F.4th 1234 (11th Cir. 2021), is particularly notable. There, the district court's denial of a § 3582 motion "emphasized [the defendant's] extensive criminal history," making no mention of "post-offense rehabilitation." *Id.* at 1240-41. This lopsided assessment of static past facts while ignoring changed circumstances is precisely what is not allowed in the Fourth and Fifth Circuits. *Supra* 2-5.

Recent decisions from the Eleventh Circuit have gone even further, repeatedly holding that a "district court [is] not *required* to consider … post-sentencing rehabilitation" at all. *United States v. Estacio*, No. 24-12702, 2025 WL 1355234, at *4 (11th Cir. May 9, 2025); *see also United States v. Franco-Constante*, No.

24-12328, 2025 WL 2057529, at *3 (11th Cir. July 23, 2025) (observing that "a district court 'may,' but is not required to, consider a defendant's post-conviction conduct"); Pet. 18-19. These cases are not, as the government claims, affording district courts discretion about how much *weight* to afford rehabilitation; the Eleventh Circuit authorizes district courts to write off rehabilitation entirely in a way that conflicts with the practice in the Fourth and Fifth Circuits.

The government thus pivots, contending that the Eleventh Circuit has occasionally found a district court's explanation for denying a sentencing reduction to be deficient, as though this would erase the circuit conflict. BIO 15. But the government itself acknowledges that none of the cases it cites are about compassionate-release motions under § 3582, but instead involve "different circumstances." BIO 15. For example, *United States v. Stevens*, 997 F.3d 1307 (11th Cir. 2021), addresses section 404(b) of the First Step Act, which sets out a unique resentencing regime that does *not* require courts to consider the 18 U.S.C. § 3553(a) factors. It was due to this feature of section 404(b) that *Stevens* conducted somewhat more exacting scrutiny of the district court's perfunctory resentencing decision. *Id.* at 1316-17. But the unusual considerations motivating the rule in *Stevens* are not present here and do not implicate the circuit split described above. *See also United States v. Jackso*n, No. 23-12318, 2024 WL 3025332, at *1 (11th Cir. June 17, 2024) (addressing early termination of supervised release under 18 U.S.C. § 3583(e)(1)).

Sixth Circuit. In *United States v. Gaston*, the district court denied the defendant's compassionate-

release motion, citing its "consider[ation of] all mitigating circumstances at Sentencing." 835 F. App'x 852, 854 (6th Cir. 2020). But sentencing had taken place four years prior, and the defendant's motion presented evidence of his "post-sentencing rehabilitative efforts." *Id*. In the Fourth and Fifth Circuits, the district court's invocation of its prior decision without any recognition of new rehabilitation evidence would require a remand. *Supra* 2-5. But the Sixth Circuit endorsed a court's ability to "consider the record from a defendant's initial sentencing," without any reciprocal obligation to consider post-sentencing rehabilitation. 835 F. App'x at 855.

Likewise in *United States v. McGuire*, the district court relied on "the presentence report and binding plea agreement" when denying the defendant's compassionate-release motion in a cursory order. 822 F. App'x 479, 480 (6th Cir. 2020). But those records from the defendant's sentencing did not account for changed circumstances cited in the defendant's motion. *Id*. The dissenting judge recognized that this reliance on static past facts while ignoring rehabilitation would require a remand in other circuits. 822 F. App'x at 481.

The government thus resorts to emphasizing the unpublished character of these Sixth Circuit decisions. BIO 16 n.2. It is unremarkable that orders *affirming* the denial of a § 3582 motion would be unpublished. If anything, the fact that Sixth Circuit law is sufficiently settled to warrant unpublished resolution of these cases proves the entrenched nature of the split.

C. The decision below implicates the split.

The government next contends that, even if there is a circuit split, the decision below does not implicate it because the district court adequately explained its denial of Mr. Williams's motion. BIO 9-11. The government focuses on the Eleventh Circuit's conclusion that the district court "implicitly considered" evidence of rehabilitation when it found "nothing had changed" since it denied Mr. Williams's prior motion. BIO 10 (quoting Pet. App. 6a) (brackets omitted). But this language proves the split: When a district court's order denying a § 3582(c) motion references static past facts like its own prior orders or a defendant's criminal history but is silent on rehabilitation, the Sixth and Eleventh Circuits will find an implicit rejection of rehabilitation arguments and affirm, while the Fourth and Fifth Circuit will remand for an *explicit* mention of rehabilitation. *Supra* 2-8; Pet. 12-20.

Mr. Williams's case perfectly encapsulates the issue. The district court's order recounted Mr. Williams's criminal history and its prior findings in some detail, then pronounced: "Nothing has changed since the Court's prior order to alter [its] conclusion that [Mr. Williams] is a danger to the community." Pet. App. 9a. The district court's proclamation that "nothing ha[d] changed" is curious because Mr. Williams had presented extensive evidence of rehabilitation during his nine years in prison. As detailed in his petition, the detailed motion included:

- The BOP's assessment that his recidivism and violence risk was low;

- Proof of completion of over 1,800 hours of live academic and vocational programming;
- Letters of support from family members, friends, students, and a University of Miami professor; and
- A release plan, including job opportunities and a business plan.

Pet. 9. The district court could claim "[n]othing ha[d] changed," Pet. App. 9a, only if it viewed static past facts alone as relevant to its decision.

It strains credulity to read the district court's decision as considering Mr. Williams's rehabilitation for another reason, too. His motion and the 21 exhibits thereto totaled 168 pages. But the district court denied the petition the same day the petition was docketed, and only one day after the document was received by the Court Clerk. S.D. Fla. Dkts. 136, 137. The district court may have had "lengthy experience with [Mr. Williams's] case," BIO 11, but it had no prior familiarity with the new rehabilitation evidence presented in support of Mr. Williams's motion. It is doubtful the district court had sufficient time to review Mr. Williams's evidence before it rendered its decision. And because "[t]he government did not file an opposition to" Mr. Williams's motion, the Fifth Circuit would have held that "the district court did not have any reasoning to incorporate by reference in its order." *Handlon*, 53 F.4th at 352.

At minimum, it is unclear whether the district court considered Mr. Williams's new evidence of

rehabilitation. And in the government's own telling, that lack of clarity implicates the asserted circuit split. *See* BIO 11 (characterizing Fourth Circuit precedent as requiring a remand when "it [i]s unclear whether the district court considered" rehabilitation).

II. The Decision Below Is Wrong.

On the merits, the government agrees this case is governed by *Chavez-Mesa*, which requires a district court to provide a sufficiently detailed explanation "to allow for meaningful appellate review." 585 U.S. at 115-16; BIO 8-11. This is a flexible inquiry "depend[ing] … upon the circumstances of the particular case." 585 U.S. at 116. But the government is wrong to view *Chavez-Mesa* as supporting its position.

In *Chavez-Mesa*, the defendant sought resentencing based solely on a retroactive change to the applicable Guidelines. 585 U.S. at 111. The defendant did not raise changed factual circumstances like rehabilitation, which is why *Chavez-Mesa* does not directly resolve the question presented here. However, this Court made clear that, while a court may not need to say a lot, it is insufficient for a district court to provide *inapposite* reasons for its decision. Pet. 21-22. Thus, where, as here, the district court expressly invokes static past facts like criminal history and prior decisions to find a defendant to be a *present* danger to the community, it must also make clear that it considered new evidence and changed circumstances of rehabilitation bearing on the requisite assessment of "the extent to which [a defendant] remains" a threat "*at the time he seeks compassionate release*." *United States v.*

Greene, 516 F. Supp. 3d 1, 25 (D.D.C. 2021) (Jackson, J.) (emphasis added); *supra* 2-5.

III. The Fact That Issues Remain For Remand Does Not Preclude Review.

As the petition explained, this is an ideal case to review the question presented because the Fourth Circuit squarely confronted the asserted split and neither the district court nor the Eleventh Circuit ruled on any alternative ground that would preclude review. Pet. 26-27.

The government responds that a decision from this Court might not "change the bottom-line outcome" because the district court could rule against Mr. Williams on other grounds on remand. BIO 17. But that possibility does not bar this Court's resolution of the question presented. *See, e.g., Hemphill v. New York*, 595 U.S. 140, 156 n.5 (2022) (leaving question of whether error was harmless for remand).

Moreover, the government is wrong to suggest the outcome of Mr. Williams's motion is preordained. The government does not dispute that Mr. Williams no longer qualifies as a career offender, nor does it dispute the significant sentencing disparity between Mr. Williams and his co-defendants due to the quirk of the timing of their respective sentencings. Pet. 5-6. Instead, according to the government, Mr. Williams is unlikely to prevail because the district court previously found, in connection with a prior motion, that resentencing Mr. Williams "would not be consistent with [18 U.S.C.] § 3553(a)." BIO 17 (quoting Pet. App. 14a). But for many of the reasons discussed above, the

district court's denial of Mr. Williams *prior* motion does not dictate what the district court will do based on the changed circumstances of rehabilitation presented in the present motion.

CONCLUSION

This Court should grant the petition.

Respectfully submitted,

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