No. 24-556

IN THE

Supreme Court of the United States

JOE FERNANDEZ,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

BRIEF OF SENATORS RICHARD J. DURBIN AND CORY A. BOOKER AS AMICI CURIAE SUPPORTING PETITIONER

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INTEREST OF AMICI CURIAE

Amici curiae Senators Richard J. Durbin and Cory A. Booker are members of the United States Senate who were lead sponsors of the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194 ("Act"), and lead drafters of the Act's sentencing reforms. Those reforms include section 603(b), which expanded access to relief under the compassionate-release statute, 18 U.S.C. § 3582. In particular, section 603(b) had the express purpose of "Increasing the Use and Transparency of Compassionate Release," a purpose it accomplished in part by modifying section 3582 so as to permit prisoners to file their own motions for compassionate release. 132 Stat. 5239.

Because of their role in the Act's enactment, amici are uniquely positioned to speak to the law's history and purpose, and they have a strong interest in ensuring that it is interpreted in a manner consistent with Congress's chosen language and pre-existing sentencing law—which Congress is presumed to legislate with full knowledge of. As reflected in the text and purpose of section 603(b), Congress intended the First Step Act to expand access to compassionate release. To further that objective, amici urge the Court to interpret 18 U.S.C. § 3582 to allow consideration of grounds that could also be alleged as support for vacatur of a sentence under 28 U.S.C. § 2255.*

SUMMARY OF ARGUMENT

Under 18 U.S.C. § 3582, district courts are vested with authority to grant requests for compassionate

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* No counsel for a party authored this brief in whole or in part. Only amici and their counsel funded its preparation and submission.

release upon a prisoner's showing of an extraordinary and compelling reason warranting relief. Compassionate release is an exercise in leniency addressed to the district court's sound discretion. And in the First Step Act, Congress modified section 3582 with the express intention of "Increasing the Use and Transparency of Compassionate Release," § 603(b), 132 Stat. 5239. The question presented here is whether, in deciding a request for compassionate release, courts may consider grounds that could also be alleged as grounds for vacatur of a sentence under 28 U.S.C. § 2255. The Act's text and purpose, as well as established principles of federal sentencing law, show that the answer is yes.

Section 3582's text gives district courts authority to consider requests for compassionate release, with no restriction on the slate of extraordinary and compelling reasons that could warrant relief. The sole constraint Congress imposed on the grounds that may qualify as extraordinary and compelling—that rehabilitation *alone* will not suffice, 28 U.S.C. § 994(t)—in no way bars consideration of other grounds that could also support relief under section 2255. Indeed, Congress's decision to expressly bar only one ground from consideration—and even then to allow consideration of that ground together with other factors—evinces Congress's intent not to bar courts from considering other grounds, including those that could also support relief under section 2255.

Interpreting section 3582 to allow consideration of such grounds also accords with the Act's purpose to "Increas[e] the Use and Transparency of Compassionate Release," § 603(b), 132 Stat. 5239. Indeed, the Act made multiple changes to existing law to expand access to compassionate release, including allowing prisoners to bring their own motions for relief. The interpretation of section 3582 advanced herein would likewise expand

access to compassionate release, ensuring courts can consider the full panoply of potentially extraordinary and compelling reasons.

Established principles of sentencing law further support allowing consideration of grounds under section 3582 that could also support relief under section 2255. One such principle is that district courts have wide discretion over sentencing decisions unless Congress instructs otherwise. Here, there is no indication that Congress intended to depart from that principle in section 3582.

As the foregoing makes clear, the Second Circuit erred in concluding that petitioner Joe Fernandez could not seek compassionate release on the basis of potential innocence simply because his claim could also be brought under section 2255. The court overlooked that compassionate release and habeas are distinct avenues for relief, with different purposes, bases for relief, and remedies. And even if section 3582 and section 2255 could be read to overlap, the Second Circuit should have avoided any conflict and harmonized the provisions by reading section 3582 to cover requests for leniency based on a district court's individualized review of the prisoner's circumstances and section 2255 to encompass claims asserting legal error in a conviction or sentence.

The Second Circuit's judgment should be reversed.

ARGUMENT

I. THE RELEVANT STATUTORY TEXT DOES NOT BAR CONSIDERATION OF GROUNDS THAT COULD ALSO SUPPORT RELIEF UNDER SECTION 2255

"The starting point in discerning congressional intent is the existing statutory text." *Lamie* v. *United*

States Trustee, 540 U.S. 526, 534 (2004). And where "the words of a statute are unambiguous," the "judicial inquiry is complete." *Connecticut National Bank* v. *Germain*, 503 U.S. 249, 254 (1992).

A. The text of 18 U.S.C. § 3582 unambiguously confers on district courts the authority to consider requests for compassionate relief premised on grounds that could also support habeas relief under 28 U.S.C. § 2255. Section 3582 provides in relevant part that a court "in any case" "may reduce the term of imprisonment" if, "after considering the factors set forth in [18 U.S.C. §] 3553(a) to the extent that they are applicable," it finds that (1) "extraordinary and compelling reasons warrant such a reduction," and (2) "such a reduction is consistent with applicable policy statements issued by the Sentencing Commission." 18 U.S.C. § 3582(c)(1)(A).

Section 3582, by its plain terms, authorizes courts to consider requests for compassionate release "in any case." That grant of authority is unrestricted because, as this Court has explained, "the word 'any' has an expansive meaning, that is, 'one or some indiscriminately of whatever kind.'" *United States* v. *Gonzales*, 520 U.S. 1, 5 (1997) (quoting *Webster's Third New International Dictionary* 97 (1976)). Accordingly, under the grant of authority in section 3582, courts may consider requests for compassionate release raising the full range of potentially extraordinary and compelling reasons, including those that may also support relief under section 2255.

The only textual constraint on what may qualify as extraordinary and compelling grounds warranting a section 3582 reduction is that "[r]ehabilitation of the defendant alone shall not be considered an extraordinary and compelling reason." 28 U.S.C. § 994(t). The "natural implication" of Congress's decision to explicitly bar only

one ground from qualifying as extraordinary and compelling "is that Congress did not intend" to bar any other ground—including grounds that could also support habeas relief. *Esteras* v. *United States*, 145 S.Ct. 2031, 2040 (2025). "This conclusion follows directly from the application of a well-established canon of statutory interpretation: '*expressio unius est exclusio alterius*'—in plain English, 'expressing one item of [an] associated group or series excludes another left unmentioned.'" *Id.* (quoting *Chevron U.S.A. Inc.* v. *Echazabal*, 536 U.S. 73, 80 (2002)).

Indeed, this Court has applied the *expressio unius* canon to interpret federal sentencing statutes, including just last term in *Esteras* v. *United States*. There, in construing the statute governing the revocation of supervised release (18 U.S.C. § 3583(e)), this Court held that Congress did not intend for courts to consider certain factors in deciding whether to revoke supervised release because Congress had omitted those factors from a list of factors in the statute. *Esteras*, 145 S.Ct. at 2041-2042. Similarly, in *United States* v. *Johnson*, 529 U.S. 53 (2000), this Court held that Congress had created only one exception to the rule that supervised release cannot run concurrent to a term of imprisonment, because "[w]hen Congress provides exceptions in a statute," as it had there, "it does not follow that courts have authority to create others," *id.* at 57-58. And in *Custis* v. *United States*, 511 U.S. 485 (1994), the Court held that, for purposes of counting prior convictions for sentencing enhancement under the Armed Career Criminal Act, Congress's decision to exempt convictions that had been set aside from being counted "create[d] a clear negative implication that courts *may* count a conviction that has *not* been set aside," *id.* at 491.

Applying the *expressio unius* canon here is equally straightforward—and leads to the conclusion that Congress did not intend to bar courts from considering under section 3582 grounds that could also justify relief under section 2255.

B. The applicable Sentencing Commission policy statement likewise does not limit the grounds that may qualify as extraordinary and compelling reasons. The statement identifies non-exhaustive examples of grounds that qualify as extraordinary and compelling—a person's age, medical and family circumstances, any history of abuse, or duration of sentence, U.S. Sentencing Guidelines ("U.S.S.G.") Manual § 1B1.13(b)(1)-(4), (b)(6) (2024)—but preserves courts' authority to find "[o]ther [r]easons" that are similarly "extraordinary and compelling," so long as they are "similar in gravity to [the reasons] described" in the policy statement, *id.* at § 1B1.13(b)(5). Grounds that could also support relief under section 2255 easily fit in this "other grounds" category.

The section 3553(a) sentencing factors likewise do not address the grounds that a court may consider as extraordinary and compelling reasons, instead guiding district courts' exercise of discretion on the separate question of whether to grant relief under section 3582, *United States* v. *Centeno-Morales*, 90 F.4th 274, 282 (4th Cir. 2024); *United States* v. *Amato*, 48 F.4th 61, 65-66 (2d Cir. 2022) (per curiam); *United States* v. *Rodd*, 966 F.3d 740, 748 (8th Cir. 2020).

In short, the text of section 3582 gives district courts unrestricted authority to consider requests for compassionate release. The sole textual constraint on what may qualify as extraordinary and compelling—rehabilitation

alone—does not bar consideration of grounds that could also support relief under section 2255.

II. VESTING COURTS WITH AUTHORITY UNDER SECTION 3582 TO CONSIDER GROUNDS THAT COULD ALSO SUPPORT RELIEF UNDER SECTION 2255 IS CONSISTENT WITH THE FIRST STEP ACT'S PURPOSE

Congress's purpose in modifying section 3582 in the First Step Act was to increase access to compassionate release. Interpreting section 3582 to allow consideration of grounds that could also support relief under section 2255 comports with this purpose, expanding the potential grounds for compassionate release.

A. The Purpose Of Section 603(b) Of The Act Was To Expand Access To Compassionate Release

In section 603(b) of the First Step Act, Congress modified 18 U.S.C. § 3582 to broaden access to compassionate release. Congress expressly stated its purpose in section 603(b)'s title: "Increasing the Use and Transparency of Compassionate Release." 132 Stat. 5239. Congress effectuated this purpose through multiple changes to existing law. Most significantly, section 603(b) permits prisoners to file their own motions for relief after exhausting administrative remedies. *Id.* Previously, only the Director of the Bureau of Prisons ("BOP") could seek relief under section 3582. 18 U.S.C. § 3582(c)(1)(A) (2012).

The Act also made other changes that accomplished its purpose of expanding access to compassionate release, including for some of the most vulnerable federal prisoners. For example, section 603(b) requires BOP to disclose the availability of compassionate release to the legal counsel, partners, and family members of

terminally ill prisoners and prisoners who are physically or mentally unable to submit their own motions. It further requires BOP to help those prisoners prepare their requests for compassionate release. And it requires BOP to publicize the availability of compassionate release by "regularly and visibly post[ing], including in prisoner handbooks, staff training materials, and facility law libraries and medical and hospice facilities," notice regarding compassionate release relief and the procedures for obtaining it. § 603(b), 132 Stat. 5239-5240.

The Act additionally imposes robust reporting requirements on BOP, demonstrating Congress's interest in ensuring the effectiveness of the Act's expansion of access to compassionate release. Specifically, the Director of BOP must annually submit a report to Congress providing statistics for, among other categories, compassionate release motions prepared, submitted, and granted or denied. § 603(b), 132 Stat. 5240-5241.

B. Construing The Relevant Statutory Text Consistent With Its Plain Language Advances The Purpose Of The First Step Act

Interpreting section 3582 to allow courts to consider the full slate of potential claims raised by prisoners to support their requests for relief would manifestly "increase the use" of compassionate release, § 603(b), 132 Stat. 5239 (capitalization altered), and thus advance the purpose of the First Step Act.

The government's contrary interpretation—that grounds supporting habeas relief cannot be brought under section 3582—would conflict with Congress's purpose by narrowing the potential grounds for relief and reducing access to compassionate release. Data from the U.S. Sentencing Commission confirm this. Since the enactment of the First Step Act, prisoners have sought and

been granted compassionate release on the following grounds (among others): unusually long sentences and changes in law; sentences imposed pursuant to improper career offender enhancements; and penalties for multiple crimes under 18 U.S.C. § 924(c). *See* U.S. Sentencing Commission, *Compassionate Release Data Report: Fiscal Year 2024*, at Table 10 (Mar. 2025), https://bit.ly/4eY0Fx3. Each of these grounds can also support relief under section 2255. *Davis* v. *United States*, 417 U.S. 333, 346-347 (1974) (unusually long sentence and changes in law); *United States* v. *Peppers*, 899 F.3d 211, 230-236 (3d Cir. 2018) (sentences imposed pursuant to improper career offender enhancements); *Brown* v. *United States*, 2024 WL 86334, at *5 (D.S.C. Jan. 8, 2024) (penalties for multiple crimes under 18 U.S.C. § 924(c)), *appeal dismissed*, 2025 WL 384117 (4th Cir. Feb. 4, 2025). Were this Court to adopt the government's interpretation of section 3582, courts could not even consider whether prisoners making comparable claims had shown extraordinary and compelling reasons warranting relief.

III. FERNANDEZ'S AND AMICI'S INTERPRETATION OF SECTION 3582 IS CONSISTENT WITH FEDERAL SENTENCING LAW

Established principles of federal sentencing law further support petitioner's and amici's interpretation of section 3582. Federal sentencing law vests district courts with "wide discretion" to make sentencing decisions. *Mistretta* v. *United States*, 488 U.S. 361, 363 (1989). "That discretion also carries forward to later proceedings that may modify an original sentence." *Concepcion* v. *United States*, 597 U.S. 481, 491 (2022).

This discretion matters because in enacting new statutes, Congress legislates against the "backdrop" of

established law and precedent. *Concepcion*, 597 U.S. at 486. This Court accordingly "assume[s] that Congress is aware of existing law when it passes legislation," *Miles* v. *Apex Marine Corp.*, 498 U.S. 19, 32 (1990); *Del Sur Pueblo* v. *Texas*, 596 U.S. 685, 700 (2022); and will "not lightly assume that Congress has intended to depart from established principles," *Chambers* v. *NASCO, Inc.*, 501 U.S. 32, 47 (1991). Because of this tenet of statutory construction, when Congress does intend to depart from those principles, it generally does so expressly. *Concepcion*, 597 U.S. at 494; *Commonwealth of Puerto Rico* v. *Franklin California Tax-free Trust*, 579 U.S. 115, 127 (2016).

Interpreting section 3582 to allow courts to consider grounds that could also support relief under section 2255 is consistent with district courts' broad discretion over sentencing decisions. As explained, section 3582 gives courts discretion to determine "in any case" whether prisoners have shown "extraordinary and compelling reasons" warranting compassionate release, 18 U.S.C. § 3582(c)(1)(A), subject to the narrow constraint that rehabilitation alone cannot qualify as such a reason, 28 U.S.C. § 994(t). Section 3582 thus leaves it to judges to determine, in the exercise of the broad discretion they have long had under federal sentencing law, whether relief is warranted.

"Nothing in the text and structure of the First Step Act expressly, or even implicitly, overcomes the established tradition of district courts' sentencing discretion." *Concepcion*, 597 U.S. at 495. As discussed, neither the text of section 3582 nor of any other provision so much as hints at prohibiting courts from considering grounds that could also support relief under section 2255. Congress has simply remained silent. And this Court has cautioned that "'[d]rawing meaning from silence is

particularly inappropriate' in the sentencing context, 'for Congress has shown that it knows how to direct sentencing practices in express terms.'" *Id.* at 496-497 (quoting *Kimbrough* v. *United States*, 552 U.S. 85, 103 (2007)).

In drafting the Act, moreover, Congress clearly recognized the importance of district courts' discretion over sentencing. Indeed, the Act's thrust was to *increase* such discretion. For instance, section 401 decreased mandatory minimum penalties for certain drug-related offenses and correspondingly increased district courts' discretion over sentencing for those offenses. 123 Stat. 5220-5221. And Section 402 "broaden[ed]" the reach of an existing "safety-valve" provision in 18 U.S.C. § 3553(f) that allows qualifying defendants convicted of drug crimes to avoid, in the discretion of the district court, mandatory minimum sentences. 132 Stat. 5221.

Finally, the congressional record likewise shows that the First Step Act aligns with, rather than departs from, the established principle of broad district-court discretion over sentencing. As Senator Nelson explained, the First Step Act "will allow judges to do the job that they were appointed to do—to use their discretion to craft an appropriate sentence to fit the crime." 164 Cong. Rec. S7756 (daily ed. Dec. 18, 2018). Senator Booker similarly noted that "this bill includes critical sentencing reform that will reduce mandatory minimums and give judges discretion back—not legislators but judges who sit and see the totality of the facts." 164 Cong. Rec. S7764 (daily ed. Dec. 18, 2018). And Senator Grassley remarked that "[t]he bill … makes sentencing fairer by returning some discretion to judges during sentencing." 164 Cong. Rec. S7649 (daily ed. Dec. 17, 2018).

In short, Congress did not intend in section 3582 to deviate from the established principle that district courts retain broad discretion over sentencing decisions.

IV. THE SECOND CIRCUIT'S REASONING LACKS MERIT

The Second Circuit held that Fernandez's request for compassionate release premised on a claim of potential innocence could be brought only under section 2255. Pet.App.17a-25a. According to the court, Fernandez's claim, though couched as a request for compassionate release, attacked the validity of his underlying conviction and thus had to be brought in habeas. *Id.* But the Second Circuit overlooked that compassionate release, even where based on grounds that could also support habeas relief, is a distinct remedy and is not subsumed by habeas. The court compounded this error by resolving the purported conflict between sections 3582 and 2255 under the canon of construction that a specific statutory provision—section 2255, according to the court—prevails over a more general one—section 3582. Pet.App.18a-19a. But that canon does not apply where, as here, statutes do not in fact conflict. The Second Circuit should have construed sections 3582 and 2255 as involving separate, non-conflicting remedies, and accordingly allowed Fernandez to pursue relief for his claim of potential innocence under section 3582.

A. Compassionate release and habeas are distinct forms of relief that differ in their purpose, bases for relief, and remedy.

Purpose. Congress intended compassionate release to be an exercise of leniency based on a court's individualized review of a prisoner's circumstances. This purpose is clear from the enactment of the compassionate-release statute in the Sentencing Reform Act of 1984, Pub. L. No. 98-473, 98 Stat. 1987 ("SRA"). In enacting

the SRA, Congress ushered in the modern era of federal sentencing, defined by uniformity and finality. In particular, the SRA introduced sentencing guidelines that imposed greater uniformity on sentencing decisions, and it ended federal parole, a remedy that had undermined the finality of sentences by enabling the release of prisoners before the end of their imposed sentences. S. Rep. No. 98-225, at 38-39, 50-58 (1983). Given this new, more rigid scheme, Congress (according to the accompanying Senate report) created compassionate release to serve as a "safety valve" for unjust sentences. *Id.* at 121. Compassionate release, the report further stated, "assure[d] the availability of specific review and reduction of a term of imprisonment for 'extraordinary and compelling reasons'" where "it would be inequitable to continue the confinement of the prisoner." *Id.* Leniency was thus an animating principle behind Congress's creation of compassionate release.

That principle remains the touchstone for compassionate release, as shown by both the applicable Sentencing Guidelines policy statement and the circumstances in which district courts grant relief. The factors for courts to consider in the statement—medical and family circumstances, age, history of abuse, imposition of an unusually long sentence, or "[o]ther [r]easons"—reflect an inquiry into whether, based on the whole person before them, courts should exercise leniency and reduce the movant's sentence. U.S.S.G. Manual § 1B1.13(b)(1)-(6). And the (leniency-based) reasons district courts have granted compassionate release include remedying excessive sentences, *United States* v. *Brown*, 457 F.Supp.3d 691, 703-704 (S.D. Iowa 2020); obtaining medical treatment, *United States* v. *Arreola-Bretado*, 445 F.Supp.3d 1154, 1159 (S.D. Cal. 2020); reducing the risk of exposure to COVID-19, *United States* v. *Phillibert*,

557 F.Supp.3d 456, 463 (S.D.N.Y. 2021); and allowing participation in juvenile-court proceedings regarding care of a child, *United States* v. *Fields*, 569 F.Supp.3d 231, 242 (E.D. Pa. 2021).

Section 2255, by contrast, remedies legal errors in a conviction or sentence. *Sanders* v. *United States*, 373 U.S. 1, 3-4 (1963). As the Second Circuit explained here, "challenges to the *validity of a conviction* must be made under section 2255." Pet.App.19a (emphasis added).

Bases for Relief. As discussed, to obtain compassionate release, a prisoner must identify an "extraordinary and compelling" reason warranting relief. 18 U.S.C. § 3582(c)(1)(A). Whether a prisoner has made such a showing is addressed to the district court's discretion. Pet.App.20a; *United States* v. *Trenkler*, 47 F.4th 42, 49 (1st Cir. 2022). As the statute provides, a court "*may* reduce the term of imprisonment" where the statutory requirements are met. 18 U.S.C. § 3582(c)(1)(A) (emphasis added). The word "[m]ay," this Court has "repeatedly observed[,] … *clearly* connotes discretion." *Biden* v. *Texas*, 597 U.S. 785, 802 (2022). Indeed, a court may deny a prisoner's request for relief even after finding an extraordinary and compelling reason. *Centeno-Morales*, 90 F.4th at 282; *Amato*, 48 F.4th at 65; *Rodd*, 966 F.3d at 748.

Relief under section 2255, in contrast, is available where a "judgment was rendered without jurisdiction, or [a] sentence imposed was not authorized by law or otherwise [is] open to collateral attack, or … there has been such a denial or infringement of the constitutional rights of the prisoner as to render the judgment vulnerable to collateral attack." 28 U.S.C. § 2255(b). And when the requirements of section 2255 are met, the court "*shall* vacate and set the judgment aside." *Id.* (emphasis

added). Thus, unlike the compassionate-release statute, on a successful section 2255 petition a court must grant relief. *Id.*; *United States* v. *Cody*, 998 F.3d 912, 916 (11th Cir. 2021).

Relief. The relief available under section 3582 is "*[m]odification* of an imposed term of imprisonment." 18 U.S.C. § 3582(c)(1)(A) (emphasis added). Such a modification can lead to either a "sentence reduction" or "immediate release." *United States* v. *Allen*, 717 F.Supp.3d 1308, 1318 (N.D. Ga. 2024). But sentence modification does not undermine the legal validity of the sentence, and a prisoner whose sentence is modified under section 3582 will, "[a]s a convicted felon, [continue to] face numerous collateral consequences" resulting from the conviction, *United States* v. *Babbitt*, 496 F.Supp.3d 903, 916 (E.D. Pa. 2020).

Under section 2255, by contrast, an unlawful conviction or sentence must be vacated and set aside. 28 U.S.C. § 2255(b). Vacatur "wipe[s] the slate clean." *Pepper* v. *United States*, 562 U.S. 476, 507 (2011). That is, "vacated court orders are void *ab initio* and thus lack any prospective legal effect." *Hewitt* v. *United States*, 145 S.Ct. 2165, 2173-2174 (2025). Thus, on a successful section 2255 petition—and contrary to relief under section 3582—it is as if the sentence or conviction was never imposed.

The Second Circuit overlooked each of these distinctions in concluding that Fernandez's request for compassionate release had to be channeled into section 2255. Fernandez's claim is not, as the Second Circuit asserted, in "substance" an attack on the "legal validity" of his conviction, Pet.App.23a, but rather a request for the district court to, in its discretion, exercise leniency and modify Fernandez's sentence based on an individualized

assessment of Fernandez's circumstances, including the circumstances of his conviction. It thus falls squarely under section 3582 and not 2255.

B. Even if the Second Circuit were correct that section 3582 *could* be read to encroach on section 2255, the court erred in ruling that section 2255 controlled under the specific-controls-the-general canon of statutory construction. Pet.App.17a-19a. That canon applies only to "irreconcilably conflicting statutes." *Watt* v. *Alaska*, 451 U.S. 259, 266 (1981). Hence, before applying the canon, and "absent a clearly expressed congressional intention to the contrary," *Morton* v. *Mancari*, 417 U.S. 535, 551 (1974), the court must seek "harmony over conflict in statutory interpretation," *Epic Systems Corp.* v. *Lewis*, 584 U.S. 497, 511 (2018).

The Second Circuit never attempted to harmonize sections 3582 and 2255. It simply pronounced the two statutes to be in conflict and concluded, based on section 2255's procedural requirements, that section 2255 was more specific than section 3582. Pet.App.17a-19a. But the court instead could have—and thus should have—"read the statutes to give effect to each … while preserving their sense and purpose," *Watt*, 451 U.S. at 267, thereby avoiding application of the specific-controls-the-general canon. In particular, the court could have read section 2255 to encompass claims asserting legal error in a conviction or sentence and section 3582 to cover requests for leniency based on the district court's individualized review of the prisoner's circumstances. The Second Circuit's decision to find a conflict where none existed was error.

CONCLUSION

The judgment of the court of appeals should be reversed.

Respectfully submitted.

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