

IN THE SUPREME COURT OF THE UNITED STATES

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SEAN L. HAGINS, PETITIONER

v.

UNITED STATES OF AMERICA

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

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BRIEF FOR THE UNITED STATES

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QUESTION PRESENTED

Whether petitioner presented "extraordinary and compelling reasons" that could permit a discretionary sentence reduction under 18 U.S.C. 3582(c)(1)(A)(i).

ADDITIONAL RELATED PROCEEDINGS

United States District Court (E.D. Pa.):

United States v. Hagins, No. 06-cr-485 (July 10, 2024)

United States Court of Appeals (3d Cir.):

United States v. Hagins, No. 23-2230 (Sept. 6, 2023)

In re Hagins, No. 20-2429 (Sept. 25, 2020)

In re Hagins, No. 16-4007 (Dec. 15, 2016)

United States v. Hagins, No. 14-2751 (Mar. 26, 2015)

United States v. Hagins, No. 09-3745 (Nov. 18, 2011)

Supreme Court of the United States:

Hagins v. United States, No. 11-11044 (Oct. 1, 2012)

Hagins v. United States, No. 23-7204 (May 13, 2024)

IN THE SUPREME COURT OF THE UNITED STATES

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No. 25-5480

SEAN L. HAGINS, PETITIONER

v.

UNITED STATES OF AMERICA

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OPINIONS BELOW

The opinion of the court of appeals (Pet. App. 1-6) is available at 2025 WL 753996. The opinion of the district court denying petitioner's motion for a sentence reduction is available at 2024 WL 3360649.

JURISDICTION

The judgment of the court of appeals was entered on March 10, 2025. The petition for a writ of certiorari was filed on May 14, 2025. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

## STATEMENT

Following a jury trial in the United States District Court for the Eastern District of Pennsylvania, petitioner was convicted on one count of conspiring to make false statements in the purchase of firearms, in violation of 18 U.S.C. 371; and four counts of possessing a firearm following a felony conviction, in violation of 18 U.S.C. 922(g)(1). Judgment 1. The district court sentenced petitioner to 360 months of imprisonment, to be followed by three years of supervised release. Judgment 2-3. The court of appeals affirmed. 452 Fed. Appx. 141. This Court denied a petition for a writ of certiorari. 568 U.S. 876.

In 2013, petitioner filed a motion under 28 U.S.C. 2255 to vacate his sentence. D. Ct. Doc. 201 (Sept. 27, 2013); D. Ct. Doc. 205 (Dec. 3, 2013). The district court denied the motion, D. Ct. Doc. 211 (Apr. 23, 2014), and the court of appeals denied a certificate of appealability, 14-2751 C.A. Order (Mar. 26, 2015). In 2016 and 2020, the court of appeals denied petitioner's requests for authorization to file second or successive Section 2255 motions. 16-4007 C.A. Order (Dec. 15, 2016); 20-2429 C.A. Doc. 4 (Sept. 25, 2020).

In 2023, the district court denied petitioner's motion for a sentence reduction under 18 U.S.C. 3582(c)(1)(A)(i). D. Ct. Doc. 266 (May 25, 2023). In 2024, the district court denied petitioner's second Section 3582(c)(1)(A)(i) motion for a sentence

reduction. D. Ct. Doc. 280 (July 10, 2024). The court of appeals affirmed. Pet. App. 1-6.

1. In 2004, police officers in Philadelphia arrested petitioner after he pointed a firearm at another driver while driving on an interstate highway. 452 Fed. Appx. at 144. Officers found the firearm during a search of petitioner's car. Ibid. Before his arrest, petitioner had paid money and drugs to a stand-in to serve as a straw purchaser of about 50 firearms. Ibid. Because petitioner had a felony conviction, he could not purchase the firearms himself. Ibid.

A federal grand jury in the Eastern District of Pennsylvania returned a second superseding indictment charging petitioner with one count of conspiring to make false statements in the purchase of firearms, in violation of 18 U.S.C. 371; two counts of possessing a firearm in furtherance of a drug-trafficking crime, in violation of 18 U.S.C. 924(c); and four counts of possessing a firearm following a felony conviction, in violation of 18 U.S.C. 922(g)(1). Second Superseding Indictment 1-9.

After a trial, a jury found petitioner guilty on the conspiracy count and the four Section 922(g)(1) counts; it found him not guilty on the two Section 924(c) counts. Judgment 1; 452 Fed. Appx. at 144. The district court sentenced petitioner to 360 months of imprisonment, to be followed by three years of supervised release. Judgment 2-3. The court of appeals affirmed. 452 Fed.

Appx. 141. This Court denied a petition for a writ of certiorari. 568 U.S. 876.

2. After unsuccessful efforts to obtain postconviction relief and a sentence reduction under 18 U.S.C. 3582(c)(1)(A)(i), see p. 2, supra, petitioner filed another motion for a Section 3582(c)(1)(A)(i) sentence reduction. D. Ct. Doc. 276 (May 10, 2024). Section 3582(c)(1)(A)(i) authorizes district courts to “reduce [a] 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.” 18 U.S.C. 3582(c)(1)(A)(i).

Congress provided that “[t]he Commission, in promulgating general policy statements \* \* \*, shall describe what should be considered extraordinary and compelling reasons for sentence reduction, including the criteria to be applied and a list of specific examples.” 28 U.S.C. 994(t). In 2023, the Commission promulgated a revised policy statement stating that “[i]f a defendant received an unusually long sentence and has served at least 10 years of the term of imprisonment, a change in the law (other than an amendment to the Guidelines Manual that has not been made retroactive) may be considered in determining whether the defendant presents an extraordinary and compelling reason, but only where such change would produce a gross disparity between the

sentence being served and the sentence likely to be imposed at the time the motion is filed, and after full consideration of the defendant's individualized circumstances." Sentencing Guidelines § 1B1.13(b) (6). Petitioner contended that several recent changes in law, including the decriminalization of marijuana possession by the New Jersey legislature and the elimination of "recency points" by the Sentencing Commission, would have yielded a lower advisory guidelines range if petitioner had been sentenced today. D. Ct. Doc. 280, at 2.

The district court denied the motion. D. Ct. Doc. 280. It explained that under circuit precedent, "'[t]he duration of a lawfully imposed sentence does not create an extraordinary or compelling circumstance' warranting" a sentence reduction under Section 3582(c) (1) (A) (i). Id. at 3 (quoting United States v. Andrews, 12 F.4th 255, 260-261 (3d. Cir. 2021)).

3. The court of appeals affirmed. Pet. App. 1-6. The court agreed that petitioner had not established "extraordinary and compelling reasons" for a sentence reduction under Section 3582(c) (1) (A) (i). See id. at 2-6. First, the court explained that under the Sentencing Commission's policy statement, nonretroactive changes to the Sentencing Guidelines may not be considered for purposes of determining whether extraordinary and compelling reasons exist to warrant a sentence reduction. Id. at 3-4 (citing Sentencing Guidelines § 1B1.13(b) (6)). Second, the court stated that it "need not resolve" petitioner's argument that

his marijuana convictions would be considered expunged if he were sentenced today. Id. at 4-5. The court explained that eliminating those convictions from petitioner's criminal history would only reduce the high end of his guidelines range to 327 months, which the court doubted would create a "gross disparity" with his 360-month sentence, Sentencing Guidelines § 1B1.13(b) (6), and that "in any event, this type of claim must be pursued via § 2255." Pet. App. 4-5.

The court of appeals also rejected petitioner's argument that its prior decision in United States v. Ward, 626 F.3d 179 (3d Cir. 2010), established an extraordinary and compelling reason for a sentence reduction. In Ward, the court of appeals had found that a district court had plainly erred by imposing a general sentence, rather than an individual sentence on each count of conviction, thereby precluding an assessment of whether the sentence for any particular count exceeded the statutory maximum. Id. at 184-185. Here, however, the court of appeals explained that Ward did not involve any discussion of "extraordinary and compelling reasons" under Section 3582(c) (1) (A) (i), and that in any event the remedy for a district court's failure to specify a sentence for each count of conviction would be a limited remand for clarification of the sentence, not a sentence reduction or resentencing. Pet. App. 5-6 & n.4.

## DISCUSSION

Petitioner renews his contention (Pet. 3-5) that he has established "extraordinary and compelling" reasons for a sentence reduction under 18 U.S.C. 3582(c)(1)(A)(i) based on the district court's purported failure to specify a sentence for each count of conviction, in contravention of United States v. Ward, 626 F.3d 179 (3d Cir. 2010), and other "significant errors in his sentencing, particularly as they relate to the United States Sentencing Guidelines and case law precedents."

The court of appeals correctly rejected petitioner's argument based on Ward. The court of appeals in Ward did not hold that a general sentence that does not specify a sentence for each count of conviction is "illegal"; instead, the court determined that it could not evaluate the legality of the sentence on direct appeal and remanded for clarification. 626 F.3d at 184-185. The court of appeals in this case correctly recognized that Ward does not establish that the imposition of a general sentence can support a finding of "extraordinary and compelling reasons" for a sentence reduction under Section 3582(c)(1)(A)(i). See Pet. App. 5-6 & n.4. In addition, to the extent petitioner renews his contention that nonretroactive changes to the Sentencing Guidelines warrant a sentence reduction, the court of appeals correctly recognized that Sentencing Guidelines § 1B1.13(b)(6) excludes such guidelines amendments from consideration in determining whether "extraordinary and compelling reasons" exist. See Pet. App. 3-4.

Although the particular arguments raised in the petition for a writ of certiorari -- which focus on Ward -- lack merit, the petition's challenge to the denial of a sentence reduction could be viewed to implicate the question presented in Fernandez v. United States, 145 S. Ct. 2731 (2025) (No. 24-556) (argued Nov. 12, 2025). In the course of affirming the denial of the reduction, the court of appeals reasoned that petitioner could not rely on a change in New Jersey law that might reduce petitioner's advisory guidelines range in establishing "extraordinary and compelling reasons" under Section 3582(c)(1)(A)(i) because such a claim must be brought pursuant to 28 U.S.C. 2255. Pet. App. 4-5. Fernandez presents the issue of whether a combination of "extraordinary and compelling reasons" that may warrant a sentence reduction under Section 3582(c)(1)(A) can include reasons that may also be alleged as grounds for vacatur of a sentence under Section 2255. Because the proper disposition of the petition for a writ of certiorari could potentially be affected by this Court's resolution of Fernandez, the petition should be held pending the decision in Fernandez and then disposed of as appropriate in light of that decision.

#### CONCLUSION

The petition for a writ of certiorari should be held for Fernandez v. United States, 145 S. Ct. 2731 (2025) (No. 24-556) (argued Nov. 12, 2025), and disposed of in light of the Court's decision in that case.

Respectfully submitted.

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