

No. 25-6636

IN THE SUPREME COURT OF THE UNITED STATES

DONNIE BRYANT, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

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Petitioner contends (Pet. 7-16) that the “extraordinary and compelling reasons” necessary to permit reducing a final sentence under 18 U.S.C. 3582(c)(1)(A)(i) can include his youth at the time of his offenses, the subsequently lowered sentence of a codefendant who pleaded guilty, and the fact that petitioner was convicted of multiple violations of 18 U.S.C. 924(c) in the same proceeding. The proper scope of 18 U.S.C. 3582(c)(1)(A)(i) is currently before this Court in Fernandez v. United States, 145 S. Ct. 2731 (2025) (No. 24-556) (argued Nov. 12, 2025), Rutherford v. United States, 145 S. Ct. 2776 (2025) (No. 24-820) (argued Nov. 12, 2025), and Carter v. United States, 145 S. Ct. 2775 (2025) (No. 24-860)

(argued Nov. 12, 2025). The Court in those cases will address the extent to which the words "extraordinary" and "compelling" limit courts' authority to grant sentence reductions under Section 3582(c)(1)(A)(i). But the petition for a writ of certiorari in this case should not be held pending the decisions in Fernandez, Rutherford, or Carter.

Under Section 3582(c)(1)(A)(i), any sentence reduction must not only be supported by "extraordinary and compelling reasons," but also be "consistent with applicable policy statements issued by the Sentencing Commission." 18 U.S.C. 3582(c)(1)(A)(i). Here, the court of appeals determined that it would not be consistent with the applicable policy statement issued by the Commission -- Sentencing Guidelines § 1B1.13 -- to consider either petitioner's youth at the time of his offenses or the now-lower sentence of his codefendant who pleaded guilty in determining whether "extraordinary and compelling reasons" for a sentence reduction existed. See Pet. App. B20 ("A defendant's youth at the time of his offense is not 'extraordinary and compelling' under § 1B1.13. Nor is a sentencing disparity that stems from a codefendant's guilty plea.") (citation omitted). Specifically, the court found that consideration of those factors would not be consistent with Section 1B1.13(b)(5) because those factors are not "similar in gravity" to other circumstances described in the policy statement. Id. at B11, B17 (citation omitted). Because the court of appeals' rejection of those factors rested on an interpretation of Section

1B1.13 that is not at issue in Fernandez, Rutherford, or Carter, this Court's disposition of those cases will not affect the correct disposition of this one.

Petitioner's contention (Pet. i) that his "multiple convictions under 18 U.S.C. § 924(c) within the same case" qualify as an "extraordinary and compelling" reason for a sentence reduction likewise does not implicate the questions presented in Fernandez, Rutherford, or Carter. The issue in Rutherford and Carter is whether "extraordinary and compelling reasons" under Section 3582(c)(1)(A)(i) can include the First Step Act's nonretroactive elimination of 25-year "stacked" sentences for first-time Section 924(c) offenders. But as the court of appeals in this case explained, petitioner "did not receive a stacked sentence for his three § 924(c) convictions." Pet. App. B19. Because petitioner "is not serving a 'stacked' sentence," id. at B18, his case does not implicate the issue in Rutherford and Carter.

Finally, any sentence reduction must also be supported by "the factors set forth in section 3553(a) to the extent that they are applicable." 18 U.S.C. 3582(c)(1)(A)(i). In denying petitioner's Section 3582(c)(1)(A)(i) motion in this case, the district court determined that "even if [petitioner] provided evidence demonstrating an extraordinary basis for [a sentence reduction]," "a reduction is not warranted pursuant to the 18 U.S.C. § 3553(a) factors." D. Ct. Doc. 886, at 18 (May 6, 2024). The court observed that petitioner's offenses resulted in "a life

lost, another injured, and others endangered with the threat of death.” Id. at 19. The court also noted that petitioner had “received a sentence on the lower end of what is permitted by the Sentencing Guidelines.” Ibid. The court therefore found that the “seriousness” of petitioner’s offenses and “the need for the sentence imposed” “weigh against a sentence reduction.” Ibid. Because -- as the district court has already made clear -- the Section 3553(a) factors do not support relief, petitioner is not entitled to a sentence reduction, regardless of this Court’s disposition of Fernandez, Rutherford, and Carter. The petition for a writ of certiorari should therefore be denied.*

Respectfully submitted.

D. JOHN SAUER
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* The government waives any further response to the petition for a writ of certiorari unless this Court requests otherwise.