

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

DENNIS LENIN CARRANZA-CLAVEL, PETITIONER

v.

UNITED STATES OF AMERICA, RESPONDENT

*ON PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT*

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

When a sentencing court considers imposing a term of supervised release, 18 U.S.C. § 3583(c) stipulates which factors the court may weigh, while U.S.S.G. § 5D1.1(c) generally discourages applying supervised release to deportable aliens. Petitioner Dennis Lenin Carranza-Clavel is a deportable alien who has been given a sentence which includes supervised release. In the decision below, the Fifth Circuit affirmed without requiring individualized findings, holding that even if the district court plainly violated § 3583(c) and § 5D1.1(c), relief was unavailable under plain-error review, effectively insulating this recurring statutory violation from appellate correction. The circuit courts are divided over the Question Presented, which is as follows:

Whether a district court violated 18 U.S.C. § 3583(c) and U.S.S.G. § 5D1.1(c) by imposing a term of supervised release on a deportable defendant without making an individualized finding that such supervision is necessary.

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OPINIONS BELOW

The unpublished decision of the Fifth Circuit Court of Appeals is attached as [App. A]. The judgment of the District Court is attached as [App. B].

PARTIES TO THE PROCEEDING AND COMPLIANCE WITH RULE 14(B)

The parties to the proceeding are listed in the caption. There are no corporate parties, and this case was not consolidated with any other appeal.

JURISDICTION

The decision of the Court of Appeals was entered on November 17, 2025 [App. A]. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1). The jurisdiction of the Fifth Circuit Court of Appeals was invoked from the denial by the United States District Court for the Western District of Texas, under 28 U.S.C. § 1291 and 18 U.S.C. § 3742.

CONSTITUTIONAL AND STATUTORY PROVISIONS

This case concerns the statutory and guideline provisions governing when a district court may impose supervised release on a defendant who will be deported after imprisonment. The relevant constitutional and statutory provisions are as follows.

Title 18 U.S.C. § 3583(c) provides that “The court, in determining whether to include a term of supervised release, and, if a term of supervised release is to be

included, in determining the length of the term and the conditions of supervised release, shall consider the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7).”

U.S.S.G. § 5D1.1(c) states that “The court ordinarily should not impose a term of supervised release in a case in which supervised release is not required by statute and the defendant is a deportable alien who likely will be deported after imprisonment.

Application Note 9 to § 5D1.1 explains:

In a case in which the defendant is a deportable alien specified in subsection (c) and supervised release is not required by statute, the court ordinarily should not impose a term of supervised release. Unless such a defendant legally returns to the United States, supervised release is unnecessary. If such a defendant illegally returns to the United States, the need to afford adequate deterrence and protect the public ordinarily is adequately served by a new prosecution. The court should, however, consider imposing a term of supervised release on such a defendant if the court determines it would provide an added measure of deterrence and protection based on the facts and circumstances of a particular case.

U.S. Const. art. III, § 1 provides in relevant part that “The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.”

U.S. Const. amend. V provides in relevant part that “No person shall . . . be deprived of life, liberty, or property, without due process of law”

U.S. Const. amend. VIII provides that “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

These provisions are central to this case. Petitioner challenges the district court's imposition of supervised release under 18 U.S.C. § 3583(c) and U.S.S.G. § 5D1.1(e), which require individualized findings before supervision may be imposed on a deportable defendant who will be removed from the United States.

STATEMENT OF THE CASE

In 2024, petitioner Dennis Lenin Carranza-Clavel, a noncitizen, was indicted in the United States District Court for the Western District of Texas for illegal reentry after removal, in violation of 8 U.S.C. §§ 1326(a) and (b). He pleaded guilty without a plea agreement. At sentencing, the district court calculated an advisory Guidelines range of 18 to 24 months' imprisonment but imposed an upward variance and sentenced petitioner to 36 months in prison, followed by three years of supervised release.

Although petitioner was subject to removal upon completion of his custodial sentence, the district court imposed supervised release without acknowledging the Sentencing Guidelines' presumption against imposing supervised release on deportable defendants and without making any individualized finding that supervision was necessary. The court ordered that petitioner be surrendered to immigration authorities immediately upon release from imprisonment and required that, if deported, he remain outside the United States.

In imposing sentence, the court explained its reasons for the term of imprisonment but did not separately address the statutory factors governing the imposition of supervised release under 18 U.S.C. § 3583(c). Nor did the court explain how supervised release would serve any rehabilitative, deterrent, or protective purpose given petitioner's deportability.

On direct appeal, petitioner argued that the district court plainly erred by imposing supervised release on a deportable defendant without an individualized justification, contrary to 18 U.S.C. § 3583(c) and U.S.S.G. § 5D1.1(c), and that the supervised-release term raised serious constitutional concerns under the Due Process Clause, the Eighth Amendment, and separation-of-powers principles.

The United States Court of Appeals for the Fifth Circuit affirmed, applying plain-error review. This petition follows. It asks whether a district court violated 18 U.S.C. § 3583(c) and U.S.S.G. § 5D1.1(c) by imposing a term of supervised release on a deportable defendant without making an individualized finding that such supervision is necessary.

REASONS FOR GRANTING THE WRIT

I. The circuits conflict on whether district courts must provide case-specific reasons before imposing supervised release on deportable defendants.

The Sentencing Guidelines create a clear presumption that “the court ordinarily should not impose a term of supervised release” when the defendant “is a deportable alien who likely will be deported after imprisonment.” U.S.S.G. § 5D1.1(c) Application Note 9 makes the rule even plainer: Supervised release is “unnecessary” unless the defendant is expected to return lawfully, and deterrence is “ordinarily . . . adequately served by a new prosecution” if he reenters illegally.

The courts of appeals are divided on how rigorously this presumption must be applied. The Fifth Circuit treats § 5D1.1(c) as satisfied if the record contains any reference, no matter how boilerplate, to deterrence or recidivism.¹ However, the courts of appeals, including the Third,² Fourth, Fifth, and Ninth³ Circuits, apply differing standards when implementing U.S.S.G. § 5D1.1(c), leading to inconsistent

¹ See *United States v. Dominguez-Alvarado*, 695 F.3d 324 (5th Cir. 2012); *United States v. Becerril-Peña*, 714 F.3d 347 (5th Cir. 2013).

² See *United States v. Azcona-Polanco*, 865 F.3d 148, 153–54 (3d Cir. 2017) (“In adopting this approach to Section 5D1.1(c), we follow the recent decision of the Sixth Circuit in *Solano-Rosales*. We recognize, as did that Court, *id.* at 354 n.1, that other Circuits have stopped short of requiring a district court to refer explicitly to the presumption against imposing supervised release on a deportable immigrant. See, e.g., *United States v. Aplicano-Oyuela*, 792 F.3d 416, 424 (4th Cir. 2015); *United States v. Alvarado*, 720 F.3d 153, 158 (2d Cir. 2013) (per curiam); *United States v. Dominguez-Alvarado*, 695 F.3d 324, 329–30 (5th Cir. 2012). Although this may be a ‘close question,’ we agree with the Sixth Circuit that ‘clarity is better served by a direct discussion’ of the presumption against supervised release and the reasons for nevertheless imposing it. *Solano-Rosales*, 781 F.3d at 354 n.1; see also *Alvarado*, 720 F.3d at 158 (encouraging but not requiring district courts to provide an explicit explanation ‘for the sake of clarity.’”)

³ *United States v. Valdavinós-Torres*, 704 F.3d 679, 692–93 (9th Cir. 2012).

outcomes based solely on geography. These differences arise not from disagreement over the Guideline's text but from how strictly courts require sentencing judges to articulate and justify departures from the presumption against supervised release. This Court's review is warranted to restore uniformity to federal sentencing practice. The conflict is not over whether supervised release may ever be imposed on deportable defendants but over whether appellate courts may uphold such sentences by inferring compliance with § 5D1.1(c) from a silent record.

This conflict creates systemic inconsistency in how thousands of illegal-reentry defendants are sentenced each year. A deportable defendant in Texas may receive three years of unenforceable supervised release on a perfunctory record, while an identical defendant in New Jersey would have that term vacated as plainly contrary to § 5D1.1(c). The Court's review is needed to restore uniformity in the administration of federal sentencing law.

II. The Fifth Circuit's reliance on plain-error review effectively nullifies Congress's directive in § 3583(c) that sentencing courts make individualized determinations.

The decision below illustrates a broader and more troubling problem: The Fifth Circuit has transformed plain-error review into a mechanism for insulating systemic sentencing errors from correction, even where Congress has imposed an express statutory prerequisite. Section 3583(c) requires a sentencing court, when deciding whether to impose supervised release, to consider specific § 3553(a) factors,

particularly deterrence, protection of the public, and the defendant's characteristics. Those factors must be analyzed before supervision is imposed, not presumed satisfied afterward.

The district court never undertook the § 3583(c) analysis required to justify supervised release and never addressed the Guidelines' presumption that deportable defendants ordinarily should not receive supervision. Any reference to general sentencing considerations occurred only in the context of the prison term. The panel did not meaningfully dispute that 18 U.S.C. § 3583(c) and U.S.S.G. § 5D1.1(c) require an individualized determination before supervised release may be imposed on a deportable defendant. Instead, the panel assumed the statutory violation and affirmed anyway, stating, "Accordingly, even assuming a clear or obvious error, he fails to show the imposition of supervised release without an individualized justification affects his substantial rights." That reasoning allows courts of appeals to affirm sentences that concede statutory noncompliance so long as the error is deemed harmless under plain-error review. Because deportable defendants are ordinarily removed immediately after imprisonment, the Fifth Circuit's approach ensures that violations of § 3583(c) will almost never be remedied on appeal, regardless of how clear the statutory error may be.

In practice, this approach renders § 3583(c) unenforceable in an entire class of cases. Deportable defendants are typically removed immediately after imprisonment, rarely return lawfully, and almost never remain in the United States long enough to demonstrate post-sentencing prejudice. The Fifth Circuit's rule thus

ensures that violations of § 3583(c) will almost never be remedied, no matter how clear the statutory error, effectively erasing Congress's intent.

This Court has repeatedly emphasized that plain-error review is not a license for appellate courts to disregard congressional commands or to treat mandatory sentencing considerations as optional. Section 3583(c) requires courts to consider specific factors before imposing supervised release; it does not permit appellate courts to excuse silence on the record by speculating that the district court might have reached the same result had it articulated its reasoning. Yet the Fifth Circuit's approach authorizes precisely this tacit nullification of the law. By affirming sentences despite conceding the absence of a case-specific justification, the court of appeals has converted a statutory prerequisite into a discretionary afterthought.

The consequences are systemic. Illegal-reentry prosecutions constitute one of the largest categories of federal criminal cases, and the Fifth Circuit's jurisdiction encompasses a substantial share of them. Under the rule applied below, district courts may routinely impose unenforceable terms of supervised release on deportable defendants without explanation, secure in the knowledge that appellate review will be foreclosed by plain-error doctrine. This Court's intervention is warranted to clarify that the plain-error standard cannot be used to nullify Congress's explicit limits on the imposition of supervised release.

In essence, Congress locked supervised release behind clear statutory limits, but the misapplication of plain-error review has become a skeleton key, opening the door only after the defendant has already been removed, unheard and unseen. The

Fifth Circuit uses that key to excuse silence on the record, while other courts require the sentencing court itself to unlock the statute through an individualized, on-the-record determination. As a result, identical statutory violations produce different outcomes across circuits, leaving some defendants bound by supervised release and others free of it based solely on geography. Review is warranted to reaffirm that § 3583(c) means what it says: Supervised release must be supported by reasoned, case-specific findings, not boilerplate.

III. The decision below conflicts with this Court’s sentencing-explanation jurisprudence.

This Court has repeatedly held that sentencing decisions must be supported by reasons, articulated on the record, which are sufficient to permit meaningful appellate review and to ensure that statutory sentencing requirements are actually applied. *Rita* and *Gall* make clear that while district courts retain discretion, they must explain the exercise of that discretion in a manner tied to the governing statutory framework.⁴

The Fifth Circuit’s approach cannot be reconciled with those principles. The district court imposed supervised release on a deportable defendant without acknowledging the Guidelines’ presumption against supervision, without separately analyzing the § 3583(c) factors, and without explaining how supervision would

⁴ *Rita v. United States*, 551 U.S. 338 (2007); *Gall v. United States*, 552 U.S. 38 (2007).

adequately operate following mandatory removal. Rather than requiring the sentencing court to make the case-specific findings that § 3583(c) and this Court's precedents demand, the court of appeals supplied its own rationale. The panel explained, "The court considered Carranza's criminal history and likelihood of recidivism, showing the court likely imposed the supervised release term as 'an added measure of deterrence.'"

That method of review flips this Court's sentencing jurisprudence on its head. *Rita* and *Gall* do not permit appellate courts to supply reasons which the sentencing court itself did not give, particularly where Congress has specified the considerations that must precede the imposition of a particular sentencing component.⁵ Explanation requirements serve not merely to facilitate appellate review but to ensure that sentencing discretion is exercised within statutory bounds. When appellate courts excuse the absence of explanation by hypothesizing what the district court might have meant, those safeguards are lost.

The conflict is especially stark in cases governed by § 3583(c). That statute does not merely authorize supervised release; it conditions its imposition on consideration of enumerated factors. Allowing appellate courts to uphold supervised release based on post hoc rationalization collapses the distinction between permissible discretion and statutory compliance. This Court's intervention is

⁵ *Rita*, 551 U.S. 338; *Gall*, 552 U.S. 38 (2007).

warranted to reaffirm that sentencing explanations required by statute and reinforced by this Court's precedent cannot be replaced by appellate speculation.

IV. The Fifth Circuit's rule undermines due process and the separation of powers by permitting courts to impose unenforceable and contradictory conditions.

Mr. Carranza-Clavel was ordered not to reenter the United States yet was also required to report to a government officer if he returns. These conditions are inherently contradictory. Although this case can be resolved on statutory grounds alone, the constitutional concerns underscore the consequences of allowing supervised release to be imposed without the findings Congress required. The conditions of sentencing force a defendant to choose between violating immigration law by returning or violating supervised-release conditions by failing to report. Such ambiguity denies fair notice of what conduct is prohibited and invites arbitrary enforcement, in direct conflict with cases like *Kolender* and *Lambert*.⁶

Moreover, by conditioning supervision on events that occur only if the executive branch permits or detects reentry, the judiciary intrudes into immigration enforcement, a core executive function. This Court has cautioned that supervised release cannot be used to extend punishment or police executive actions beyond the court's jurisdiction. The Fifth Circuit's decision disregards that separation-of-powers

⁶ *Kolender v. Lawson*, 461 U.S. 352 (1983) (vagueness and arbitrary enforcement); *Lambert v. California*, 355 U.S. 225 (1957) (fair notice).

boundary, turning supervised release into a shadow immigration sanction rather than a rehabilitative tool.⁷ The Supreme Court affirmed that the purpose of supervised release was rehabilitation in *Johnson*.⁸ While *Johnson* did not involve immigration or removal, it makes clear that supervised release may not be used to extend punishment or to accomplish indirectly what a sentencing court lacks authority to do directly.⁹ By imposing a term of supervised release that serves no rehabilitative purpose and cannot lawfully be executed, the court transforms supervision into an additional punitive sanction untethered to its statutory justification, raising serious due-process and proportionality concerns. Lastly, although petitioner does not require this Court to resolve an Eighth Amendment claim, the principles underlying the prohibition on disproportionate punishment reinforce the due-process limits on supervised release discussed above.

V. The question presented is recurring and important.

Illegal-reentry prosecutions constitute one of the largest categories of federal criminal cases. Thousands of deportable defendants receive supervised-release terms each year despite being removed immediately after imprisonment. Because these

⁷ *Arizona v. United States*, 567 U.S. 387, 395–96 (2012) (“A principal feature of the removal system is the broad discretion exercised by immigration officials” “It is fundamental that foreign countries . . . must be able to confer and communicate on this subject with one national sovereign, not the 50 separate States.”); also see, *Reno v. American-Arab Anti-Discrimination Committee*, 525 U.S. 471 (1999); also see *Heckler v. Chaney*, 470 U.S. 821, 831–33 (1985). (Recognizing that enforcement decisions are committed to executive discretion).

⁸ *United States v. Johnson*, 529 U.S. 53, 59 (2000) (“Supervised release fulfills rehabilitative ends, distinct from those served by incarceration.”).

⁹ *Id.*

defendants are deported and rarely reenter lawfully, appellate review of such errors is exceptionally difficult, making this Court's intervention the only realistic means of ensuring compliance with § 3583(c) and § 5D1.1(c). The Fifth Circuit's permissive approach invites systemic over-punishment and drains probation resources on sentences that cannot be executed. Clarification from this Court is urgently needed.

VI. This case is an ideal vehicle for the question presented.

The issue was cleanly presented and dispositive. The Fifth Circuit's opinion addresses and rejects the claim, implicitly applying the rule that a generic reference to deterrence and protection suffices. There are no procedural obstacles or factual disputes to impede review. For these reasons, the petition provides a straightforward vehicle for resolving the entrenched circuit conflict and reaffirming the statutory and constitutional limits on supervised release.

CONCLUSION

For these reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink that reads "Joseph Ostini". The signature is written in a cursive style with a large initial 'J' and 'O'.

/s/ Joseph Ostini

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