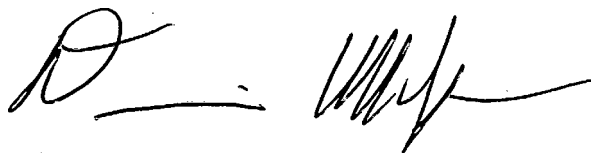


APPENDIX A

1 page

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UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

JUN 24 2025

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DENNIS MICHAEL HOGAN,

Defendant - Appellant.

No. 24-7537

D.C. No.

2:18-cr-00058-TOR-1

Eastern District of Washington,  
Spokane

ORDER

Before: CANBY, S.R. THOMAS, and SUNG, Circuit Judges.

The motion (Docket Entry No. 15) for summary affirmance of the district court's order denying appellant's second motion for a sentence reduction under 18 U.S.C. § 3582(c)(1)(A) is granted. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (stating standard). Even assuming appellant exhausted his administrative remedies, he has not shown any abuse of discretion in the court's conclusions that he lacked extraordinary and compelling circumstances and that the 18 U.S.C. § 3553(a) factors did not support relief. *See United States v. Wright*, 46 F.4th 938, 944-45 (9th Cir. 2022). Moreover, notwithstanding a misstatement in the court's order, the record reflects that the court fully considered his arguments and adequately explained why they did not support relief. *See id.* at 948-50.

**AFFIRMED.**

APPENDIX A

APPENDIX B

8 pages

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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Nov 29, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

DENNIS MICHAEL HOGAN,

Defendant.

NO. 2:18-CR-0058-TOR

ORDER DENYING DEFENDANT'S  
MOTION FOR COMPASSIONATE  
RELEASE

BEFORE THE COURT is Defendant's *Pro Se* Emergency Motion for  
Compassionate Release/Sentencing Reduction. ECF No. 181. The Court has  
reviewed the record and files herein and is fully informed. For the reasons  
discussed below, Defendant's motion is denied.

**BACKGROUND**

On February 18, 2020, Defendant Dennis Michael Hogan appeared before  
the Court and entered a plea of guilty to Count 2 of the Superseding Indictment  
charging him with Online Enticement in violation of 18 U.S.C. § 2422(b). ECF  
Nos. 122, 123.

1 On September 4, 2020, the Court entered an Amended Judgment sentencing  
2 Defendant to 180 months imprisonment, followed by a life term of supervised  
3 release, and \$100.00 special penalty assessment. ECF No. 160.

4 Defendant has not shown that he submitted a request for sentence reduction  
5 to Bureau of Prisons. On October 2, 2024, Defendant filed the instant Motion for  
6 Compassionate Release. ECF No. 181. Defendant requests the Court to reduce his  
7 sentence to time served. *Id.* He explains that extraordinary and compelling  
8 reasons support such reduction.

## 9 DISCUSSION

### 10 A. Eligibility for Compassionate Release

11 Federal courts have the statutory authority to modify an imposed term of  
12 imprisonment for two reasons: compassionate release under 18 U.S.C. § 3582(c)(1)  
13 or based on a change in the sentencing guidelines under 18 U.S.C. § 3582(c)(2).  
14 Until recently, motions for compassionate release could only be brought to the  
15 Court by the Director of the Bureau of Prisons. 18 U.S.C. § 3582(c)(1)(A) (2002):  
16 However, after the December 2018 passage of the First Step Act, defendants may  
17 now bring their own motions for compassionate release after exhausting  
18 administrative remedies within the Bureau of Prisons or by waiting 30 days after  
19 receipt of their request by the warden of defendant's facility, whichever is earlier.  
20 18 U.S.C. § 3582(c)(1)(A) (2018).

1 A defendant may be eligible for compassionate release: (1) if the Court finds  
2 “extraordinary or compelling reasons” to warrant a sentence reduction; or (2) if the  
3 defendant is at least 70 years old, has served at least 30 years in prison pursuant to  
4 a sentence imposed for the offense for which the defendant is currently imprisoned,  
5 and the defendant is determined not to pose a risk of danger to the community. 18  
6 U.S.C. § 3582(c)(1)(A). Under either eligibility prong, the Court must also find  
7 that a sentence reduction is “consistent with applicable policy statements issued by  
8 the [United States] Sentencing Commission.” 18 U.S.C. § 3582(c)(1)(A). The  
9 statute and the Sentencing Guidelines instruct that the Court should consider the  
10 sentencing factors set forth in 18 U.S.C. § 3553(a) when deciding a motion for  
11 compassionate release. 18 U.S.C. § 3582(c)(1)(A); U.S.S.G. § 1B1.13. The Court  
12 should not grant a sentence reduction if the defendant poses a risk of danger to the  
13 community, as defined in the Bail Reform Act. 18 U.S.C. § 3582(c)(1)(A) (as to  
14 second prong only); U.S.S.G. § 1B1.13 (as to both the first and second prongs).

15 The Sentencing Commission has recently updated its policy statement on  
16 sentence reduction. U.S.S.G. Guidelines Manual, effective Nov. 1, 2023. The  
17 sentence reduction policy statement now outlines six categories of circumstances  
18 that may constitute “extraordinary and compelling reasons” for a sentence  
19 reduction: (1) Medical Circumstances of the Defendant; (2) Age of the Defendant;

1 (3) Family Circumstances of the Defendant: (4) Victim of Abuse; (5) Other  
2 Reasons; and (6) Unusually Long Sentence. U.S.S.G. § 1B1.13, eff. Nov. 1, 2023.

3 According to the Ninth Circuit in *United States v. Aruda*, 993 F.3d 797 (9th  
4 Cir. 2021), “district courts are empowered . . . to consider *any* extraordinary and  
5 compelling reason for release that a defendant might raise.” *Id.* (agreeing with and  
6 quoting decisions of Second and Fourth Circuits).

7 **B. Exhaustion or Lapse of 30 days**

8 Defendant has not shown that he exhausted his administrative remedies with  
9 the Bureau of Prisons, although he claims he has done so.

10 **C. Extraordinary and Compelling Reasons**

11 Defendant, now age 65, argues that extraordinary and compelling reasons  
12 justify a reduction of his sentence to time served. Defendant contends that  
13 “extraordinary and compelling” reasons warrant a sentence reduction: (1) his  
14 health, (2) lack of medication, (3) he asks for specialized care, (4) family  
15 circumstances, (5) claims he will not recidivate, (6) rehabilitation, (7) he is not  
16 dangerous, and (8) sentencing disparities.

17 In this case, there are no extraordinary and compelling reasons, alone or in  
18 combination, for a reduction in sentence.

19 **D. Factors under 18 U.S.C. § 3553(a)**

20 Defendant claims that he has demonstrated rehabilitation and poses little risk

1 of recidivism. Rehabilitation is not alone an extraordinary and compelling  
2 circumstance for release. *See* 28 U.S.C. § 994(t) (“Rehabilitation of the defendant  
3 alone shall not be considered an extraordinary and compelling reason.”).

4 Defendant has an extensive criminal history including drugs.

5 18 U.S.C. § 3582(c) and the Sentencing Guidelines instruct that the Court  
6 should consider the sentencing factors set forth in 18 U.S.C. § 3553(a) when  
7 deciding a motion for compassionate release. 18 U.S.C. § 3553(a) provides:

8 The court shall impose a sentence sufficient, but not greater than necessary, to  
9 comply with the purposes set forth in paragraph (2) of this subsection. The  
10 court, in determining the particular sentence to be imposed, shall consider—

(1) the nature and circumstances of the offense and the history and  
11 characteristics of the defendant;

(2) the need for the sentence imposed—

(A) to reflect the seriousness of the offense, to promote respect for  
12 the law, and to provide just punishment for the offense;

(B) to afford adequate deterrence to criminal conduct;

(C) to protect the public from further crimes of the defendant; and

(D) to provide the defendant with needed educational or vocational  
13 training, medical care, or other correctional treatment in the most  
14 effective manner;

(3) the kinds of sentences available;

(4) the kinds of sentence and the sentencing range established for—

(A) the applicable category of offense committed by the applicable  
15 category of defendant as set forth in the guidelines—

(i) issued by the Sentencing Commission pursuant to section  
16 994(a)(1) of title 28, United States Code, subject to any  
17 amendments made to such guidelines by act of Congress  
18 (regardless of whether such amendments have yet to be  
19 incorporated by the Sentencing Commission into amendments  
20 issued under section 994(p) of title 28); and

(ii) that, except as provided in section 3742(g), are in effect on  
the date the defendant is sentenced; or

- 1 (B) in the case of a violation of probation or supervised release, the  
2 applicable guidelines or policy statements issued by the Sentencing  
3 Commission pursuant to section 994(a)(3) of title 28, United States  
4 Code, taking into account any amendments made to such guidelines or  
policy statements by act of Congress (regardless of whether such  
amendments have yet to be incorporated by the Sentencing  
Commission into amendments issued under section 994(p) of title 28);  
(5) any pertinent policy statement—  
5 (A) issued by the Sentencing Commission pursuant to section  
6 994(a)(2) of title 28, United States Code, subject to any amendments  
7 made to such policy statement by act of Congress (regardless of  
whether such amendments have yet to be incorporated by the  
Sentencing Commission into amendments issued under section 994(p)  
of title 28); and  
8 (B) that, except as provided in section 3742(g), is in effect on the  
date the defendant is sentenced.  
9 (6) the need to avoid unwarranted sentence disparities among defendants  
with similar records who have been found guilty of similar conduct; and  
10 (7) the need to provide restitution to any victims of the offense.

11 At the time of the original sentencing, the Court fully considered these factors. At  
12 sentencing, Defendant's total offense level was 39 and he had a criminal history  
13 category of I. This directed an advisory guideline range of 262 to 327 months of  
14 imprisonment. Considering all the sentencing factors, the Court expressly  
15 indicated that a 180-month sentence was sufficient but not greater than necessary  
16 to comply with the purposes and goals of sentencing.

17 Defendant's previous motion for sentencing reduction was denied. ECF No.  
18 179. The Court has fully read everything in the file and agrees with the Court's  
19 prior order at ECF No. 179. Defendant's newly articulated reasons for sentencing  
20 reduction do not support a reduction in sentence. The Court properly calculated

1 the guidelines and sentenced Defendant below the recommended sentence. No  
2 error has been shown. Defendant's claim that his health, lack of medication,  
3 request for specialized care, his family circumstances, his claim that he will not  
4 recidivate, that he has rehabilitated, and that he is not dangerous, alone or in  
5 combination do not establish "extraordinary and compelling" reasons which would  
6 warrant a sentence reduction. Also, his argument about sentencing disparities does  
7 not warrant a reduction.

8       Once again, the Court has fully considered these factors in light of the  
9 information Defendant recently provided. Of particular note is the nature and  
10 circumstances of the offense in this case. This was not a simple, one-time event,  
11 Defendant was involved over a long period of time seeking photos of nude minors.

12       The Court is obligated to protect the public from defendant's serious and  
13 dangerous conduct. The sentence the Court imposed was "sufficient, but not  
14 greater than necessary," to comply with the purposes of § 3553(a), including to  
15 reflect the seriousness of the offense, to promote respect for the law, to provide just  
16 punishment for the offense and to afford adequate deterrence to this criminal  
17 conduct. Even with recent developments, the sentence imposed remains sufficient  
18 but not greater than necessary to comply with the purposes of sentencing.

19       Defendant claims his good behavior rehabilitation support his request for a  
20 reduced sentence. Successful rehabilitative activities are commendable, but do not

1 alone warrant early release. 28 U.S.C. § 994(t). Considering the totality of all the  
2 facts, compassionate release is unwarranted.

3 **CONCLUSION**

4 The Court declines to exercise its discretion to reduce Defendant's sentence  
5 because extraordinary and compelling reasons do not warrant such a reduction.

6 **ACCORDINGLY, IT IS HEREBY ORDERED:**

7 Defendant's Pro Se Emergency Motion for Compassionate Release /  
8 Sentencing Reduction, ECF No. 181, is **DENIED**.

9 The District Court Executive is directed to enter this Order and furnish  
10 copies to the parties, including Defendant at Federal Correctional Institution, La  
11 Tuna.

12 **DATED** November 29, 2024.

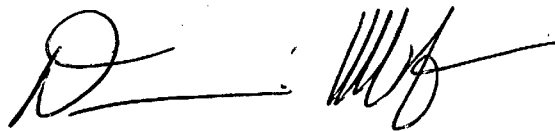


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16  
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*Thomas O. Rice*  
THOMAS O. RICE  
United States District Judge

APPENDIX C

3 pages

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1B1.13 Specifics

See notice, Sentencing Guidelines for United States Courts 88 Fed. Reg. 28,254,28256 (May 3, 2023); Now, courts are "bound by §1B1.13 in deciding all compassionate release motions under §3582 (c)(1)(A). U.S. v Chen, 48F.4th 1092,1098(9th Cir. 2022): see (Concepcion v. U.S., 597 U.S. 481, 495, 142 S. Ct. 2389, 213 L. Ed. 2d 731 (2022) "[C]ongress expressly cabined district court's discretion by requiring courts to abide by the Sentencing Commission's policy statements."

1B1.13(a)(2) Mr. Hogan presented a multitude of indisputable specific evidence proving that he is not a danger to the safety of any person or the community. Including the district court's and prosecutor's own statements and actions yet the court failed to address a single one of those specific issues and explain why even a single one was not extraordinary and compelling.

§1B1.13(b)(3)(D)- Mr. Hogan provided signed, notarized affidavits with medical records, from two siblings which fall within this definition of extraordinary and compelling circumstances and fully explained the issues. Yet the courts failed to demonstrate consideration or evaluation of these facts by stating specific reasoning for the rejection of this information which consisted of 9 pages of information.

1B1.13(b)(4)(B)- The court was silent on the several pages explaining this abuse, offering no mention of consideration or rejection of this 1B1.13 factor further exposing the courts failure to abide by §1B1.13-- The "applicable, binding policy statement for all Section 3582(c)(1)(A) motions" and the Commission's definition of "Extraordinary and Compelling Circumstances" is binding on all district courts. (U.S. v Bryant 996 F.3d 1243,1251-52)

1B1.13(b)(5) Over 28 pages of details and support were completely ignored by the courts regarding the harsher, more punitive conditions Mr. Hogan was forced to endure during the 37 month period of incarceration during the COVID pandemic. Also Mr. Hogan's petition used 22 pages detailing additional "other" categorically define circumstances which were never mentioned by the courts.

Both the district and appellate court failed to follow the definitions of extraordinary and compelling in §1B1.13(b)(1)(B)(i) and §1B1.13(b)(1)(C) as Mr. Hogan documented in his petition consisting of dozens of pages in medical testimony of three licensed experts: Dr. West, Dr. Mufti, and Dr. Asfour. Who upon detailed review of Mr. Hogan's medical records unanimously concurred that Mr. Hogan's Current medical conditions are absolutely extraordinary and compelling; substantially diminishing his ability to self-care within the current environment, and from which he is unlikely to recover. They further explain that his conditions require long-term, specialized medical care that is not being provided and without which Mr. Hogan is at serious risk of death. Furthermore an additional Health and Medical Care Analysis, cosigned by two different licensed medical professionals, explain in great detail Mr. Hogan's abhorrent lack of treatment and diagnosis by the BOP and the risks involved if he remains in the prison environment where lack of medical staff and bureaucrats create detrimental delays and make medical decisions that jepordize the wellbeing of the patient. Neither court mentioned a single word from or about these, therein failing to address these non-frivolous specific merits as required.

APPENDIX D

2 pages

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## Abuse of Discretion & Reversible Error

An appellate court abuses its discretion when it abandons its neutral role, fails to correct clear factual errors, and compounds those errors rather than remanding. Courts have consistently held that failure to exercise discretion, reliance on clearly erroneous facts, or application of the wrong legal standard constitutes abuse of discretion.

Abuse of discretion occurs when a court's decision is arbitrary, irrational, or based on erroneous legal or factual premises. In General Electric Co. v. Joiner, 522 U.S. 136 (1997), the Court emphasized that appellate review under abuse of discretion requires reversal when the lower court's ruling rests on unsupported factual findings or misapplied law.

Appellate courts are not fact-finders but must ensure the trial court's findings are supported by substantial evidence. When they fail to address uncontroverted factual errors, they abdicate this role.

In United States v. Taylor, No. 20-6575 (4th Cir. 2020), The Fourth Circuit reversed where the district court's factual findings were clearly erroneous, underscoring that appellate courts must correct such errors rather than compound them.

In Taylor, a similarly situated Appellant, appealed his district court's order denying his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A), as amended by the First Step Act of 2018, Pub. L. No. 115-391, §603 (b)(1), 132 Stat. 5194, 5293.

The Fourth Circuit reviewed the district court's ruling for abuse of discretion. United States v. Chambliss, 948 F.3d 691, 693 (5th Cir. 2020). "A district court abuses its discretion when it acts arbitrarily or irrationally, fails to consider judicially recognized factors constraining its exercise of

discretion, relies on erroneous factual or legal premises, or commits an error of law." United States v. Dillard, 891 F.3d 151, 158 (4th Cir. 2018) (internal quotation marks omitted).

When an appellate court compounds factual mistakes rather than remanding, it effectively denies meaningful review.

Courts recognize that failing to exercise discretion is *per se* abuse of discretion. Similarly, reliance on factual findings unsupported by substantial evidence is reversible error.

Here, the district court based its decision on clearly erroneous facts; and, compounded that constitutional error by deploying a "boilerplate" order which was obvious on its face. Likewise, the appellate court continued to violate Appellant's due process rights by failing to conduct a meaningful review of the district court's behavior.

An appellate court abuses its discretion when it fails to address clear factual errors and compounds them rather than remanding. Established circuit and United States Supreme Court precedent establishes that failure to exercise discretion, reliance on unsupported facts, or abandonment of neutral review duties are all forms of abuse. therefore, in the scenario described, the appellate court's conduct is reversible error.

These errors are so numerous, so prevalent, so pervasive, and so self-evident; collectively, they cannot simply be characterized as mere abuses of discretion; to the contrary, they cry out for *de novo* review by this Court.

APPENDIX E

2 pages

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Addressing Specific Issues; Reasoning & Examples

The majority of courts agree for a court to deny a §3582 RIS motion without addressing specific non-frivolous issues presented by the defendant that:

- The judge must be same judge as in a previous sentencing procedure, and/or
- The Government would have filed a response providing the argument against the RIS which could provide the court with the basis for the decision, and/or
- The petition would have to be so basic and simple; as in 1 lacking any specific factual arguments for the defendant that it would be obvious the the Extraordinary and Compelling reasons didn't exist and/or the 3553 factors failed with the petition lacking any specific supporting arguments.

Mr. Hogan's is neither basic or simple; presenting several specific detailed arguments, and the government provided no argument in opposition.

The government's failure to provide a response to Mr. Hogan's petition and the the Appellate Court's failure to require the District Court to order such a response resulted in such a drastic departure from the principles of party presentation it constitutes an abuse of discretion. With this the district court abandoned its role as a neutral arbiter when it sallyforthed an argument against Mr. Hogan's factually presented petition which specifically identified severalextraordinary and compelling 1B1.13 defined reasons as well as the indisputable presentation of specific non-frivolous §3553 (a) factor argumentsfavoring the defendant. Furthermore in violation of the principles of party presentation the district court; after failing to require the government to respond set forth a vague argument which failed to address a single specific issue of Mr. Hogan's argument. Therefor the district court, and appellate court; through affirmation, committed legal error.

To exemplify court's absolute need for addressing a defendant's specific non-frivolous merits and providing specific reasoning for rejecting them the following is presented:

9th circuit Ct. of App's affirmation of denials:

U.S. v Corrales US Ct. App No. 24-4481 Lexis 10526, (4/22/2025)  
"Corrales did not establish that either of his parents is incapacitated or that he is the only caretaker" (If the App. Ct. stated this much specificity the district court clearly fulfilled their requirements in doing so.)

US v Alvarado, Ct App No. 24-6180, LEXIS 13363, 5/21/2025) "The district court ordered and reviewed Alvarado's medical records..."

US v Renteria, Ct. App, LEXIS 23210, No 23-1869, 9/10/24 "The court acknowledged Renteria's serious medical conditions..." [BOP] could provide additional care, including Kidney transplant..."

US v Wannakuwatte Ct. App No 24-4222, Lexis 14350, 6/9/2025  
"It is clear that the court understood and considered Defendant's claims, which are detailed in the order."

US v Pitsch, Ct App No24-4184 LEXIS 8061, (4/3/25) " The district court reasonably concluded that Pitsch's state of anxiety, worry and fear' did not amount to an actual threat to his safety. [ ] imprecise sentencing data [ ] and lack of rehabilitation."

All of these affirmations of district court orders of denial of RIS show what is prescribed by the law (3553(a)) / (1B1.13) and decided by the Supreme Court (Rita)<sup>1</sup> requiring a court provide explanation as to why it rejected the non-frivolous reasons presented. In contrast Mr. Hogan's district court order of denial as well as the Appellate Court's affirmation fail to provide any reference to the specific non-frivolous reasons presented.

---

<sup>1</sup> Victor A. Rita V United States, 551 US 338, 127 S Ct 2456, 168 L ed 2d 203, June 21, 2007. States: "But where a party presents nonfrivolous reasons for imposing a different sentence, the judge will normally go further and explain why he has rejected those arguments."

APPENDIX F

2 pages

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§3553(a) Failure Specifics

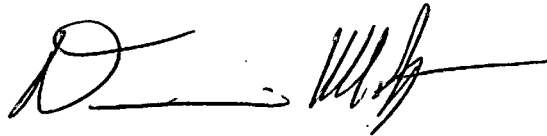
18 USC §3553(a)(1) The district court's generalized statement "of particular note is the nature and circumstances of the offense in this case". This does not exist as a separate, stand-alone independent factor and cannot be considered without inclusion of "the history and characteristics of the defendant". Which overwhelmingly favor Mr. Hogan. The court chose to ignore the full context of 3553(a)(1) and neglected to address any of the factual specific reasons provide in the petition. In the court's entire argument against Mr. Hogan (They label it a discussion) the court failed to specifically challenge even one single non-frivolous fact of the many Mr. Hogan presented. Even when mentioning rehabilitation the court's comment: "Defendant claims that he has demonstrated rehabilitation and poses minimal risk of recidivism" failed to reference even a single one; zero recognition, of the multitude of specific, non-frivolous facts in the petition. None of Mr. Hogan's hundreds of hours of programming and course work; substantiated by BOP documents and certificates.

The district court's blatant abuse of discretion comes to light when it states in it's opening paragraph regarding 3553(a) factors: "Defendant has an extensive criminal history including drugs" (Appendix "A", ECF No. 183, Id 1669, line 4) This completely fabricated and false statement sets the tone for the entire discussion and displays the court's pre-conception on obvious display throughout the court's discussion of the 3553 factors. This statement, although it states no specific facts, is the closest the court comes to providing specifics in its denial. It should be given the

utmost significance for exactly what it is; a profound abuse of dis-  
creation because it exposes that the court rests its decision on  
clearly erroneous finding of material fact. If we are to accept  
the district court's "word" on a variety of other non-specific  
assertions through-out the order then you must also accept that  
the court believes this as well.

APPENDIX G

3 pages

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## ABUSE OF JUDICIAL DISCRETION

A federal judge commits an abuse of discretion by refusing to conduct an individualized, reasoned assessment of the defendant at the particular point in time when adjudication occurs and instead applies governing standards against the defendant's interests in a rigid and mechanical manner that defeats the historic purpose of judicial discretion.

Judicial discretion is not a license for arbitrary decision-making, nor is it permission to avoid judgment altogether. From its common-law origins through its incorporation into Article III of the Constitution, judicial discretion exists to ensure that the application of law produces just results in the particular case before the court. Its core function is protective: to prevent unjust, disproportionate, or mechanical outcomes against a defendant facing the coercive power of the sovereign.

When a federal judge declines to engage in that individualized analysis and instead treats discretionary standards as effectively mandatory, the judge fails to exercise discretion at all. Such a failure is itself an abuse of discretion and warrants correction by this Court.

The American judiciary inherited from the common law an equitable authority to temper general rules with reasoned, case-specific judgment. The Framers preserved that tradition so that courts would administer justice, not merely enforce formulas. Discretion therefore requires a genuine evaluation of the defendant's circumstances, arguments, and proportional consequences of judicial action.

A lower court abuses its discretion when it refuses to consider relevant, non-frivolous mitigating factors, relies on categorical rules where the law calls for judgment, or fails to explain how it balanced competing considerations. In those circumstances, the court has replaced discretion with automatism, undermining the judiciary's constitutional role as a check on

governmental overreach.

The original purpose of judicial discretion is to secure individualized justice for the defendant. At common law, courts used discretion to prevent the harshness and inflexible legal commands. That tradition ensured that punishment and liability corresponded to individual culpability and fairness rather than abstract uniformity. The individualized justice is especially critical where defendant stands opposite the full prosecutorial power of the State.

Judicial discretion thus operates as a constitutional safeguard. It allows courts to account for context, proportionality, and real-world impact, preventing outcomes that would be legally permissible yet unjust in application to a particular defendants.

A mechanical application of standards is a failure to exercise discretion. Discretion must be exercised, not avoided. A court commits abuse of discretion when it declines to consider specific, relevant arguments presented by the defendant; Applies predetermined or categorical outcomes despite discretionary framework; or issues a conclusory ruling that does not demonstrate reasoned, individualized judgement. Such conduct transforms a discretionary decision into a rote one. Where judgment is required, mechanical rule application is legal error.

Discretion serves as a necessary check on governmental power. Because prosecution is controlled by the government, the judiciary's discretionary authority is a vital counterbalance. It ensures that enforcement remains fair and proportionate in individual cases. When a judge refuses to perform that moderating function, the balance intended by the separation of powers collapses, exposing the defendant to unchecked severity.

Due process requires more than procedural formality; it requires thoughtful, individualized adjudication. The absence of such adjudication is an abuse of discretion.

Judicial discretion was designed to protect defendants from unjust and mechanical application of law. By failing to engage in individualized, reasoned judgment and instead treating discretionary standards as an automatic tool for continued punishment, the federal judge abused that discretion. The decision below should be reversed, and this Court should reaffirm that discretion must be genuinely exercised to fulfill its historic and constitutional purpose.