No. _____

IN THE

Supreme Court of the United States

JONATHAN MENDEZ-ESCOBAR, PETITIONER,

v.

UNITED STATES OF AMERICA, RESPONDENT.

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

PETITION FOR A WRIT OF CERTIORARI

JOSEPH OSTINI
Attorney at Law
National Defense Law
756 Brohard Rd
Ray, OH 45672
(888) 529-9242
joseph.ostini@gmail.com
Attorney for Petitioner

QUESTION PRESENTED

Federal courts frequently impose terms of supervised release on defendants who are concededly deportable and will be removed from the United States upon completion of their custodial sentences. The Sentencing Guidelines instruct that such terms ordinarily should not be imposed absent a case-specific justification, yet district courts often impose supervised release without explanation. On appeal, courts routinely affirm these sentences under plain-error review, even where the record contains no individualized reasoning. The result is that supervised-release terms are imposed in a manner that evades meaningful appellate scrutiny and undermines this Court's requirement of reasoned sentencing.

The questions presented are:

1. May a sentencing court impose supervised release on a deportable defendant without providing a case-specific justification?
2. May a court of appeals affirm such a sentence under plain-error review despite the absence of any individualized explanation?

PARTIES TO THE PROCEEDING

The parties are Jonathan Mendez-Escobar and the United States of America.

RELATED PROCEEDINGS

United States Court of Appeals for the Fifth Circuit:

United States of America v. Jonathan Mendez-Escobar, No. 25-50076 consolidated with No. 25-50079 (Jan. 7, 2026)

United States District Court for the Western District of Texas:

United States of America v. Jonathan Mendez-Escobar, No. 2:24-CR-01640 (Feb. 4, 2025)

United States District Court for the Western District of Texas:

United States of America v. Jonathan Mendez-Escobar, No. 2:24-CR-03197 (Dec. 15, 2021)

TABLE OF CONTENTS

Page

QUESTION PRESENTED i

PARTIES TO THE PROCEEDING ii

RELATED PROCEEDINGS ii

TABLE OF CONTENTS iii

TABLE OF AUTHORITIES v

OPINIONS BELOW 1

JURISDICTION 1

CONSTITUTIONAL AND STATUTORY PROVISIONS 1

STATEMENT OF THE CASE 2

REASONS FOR GRANTING THE WRIT 4

I. The courts of appeals conflict in how they apply U.S.S.G. § 5D1.1(c) to deportable defendants. 4

II. The decision below conflicts with this Court's requirement that sentencing courts provide reasoned, individualized explanations. 5

III. The Fifth Circuit's application of plain-error review eliminates meaningful appellate scrutiny. 7

IV. The decision below undermines the statutory and guidelines framework governing supervised release. 9

V. While systematically evading review, the question presented is both recurring and important. 10

VI. The interaction between sentencing practice and plain-error review systematically prevents meaningful appellate review. 12

VII. This case is an ideal vehicle to resolve the questions presented. 13

VIII. The decision below creates a self-perpetuating doctrine that shields sentencing errors from review. 14

IX. This case presents a structural breakdown in appellate review. 16

CONCLUSION 17

APPENDIX A A1

APPENDIX B A6

APPENDIX C A19

TABLE OF AUTHORITIES

Page(s)

Cases

Gall v. United States, 552 U.S. 38 (2007) 6–9, 11, 15

Henderson v. United States, 568 U.S. 266 (2013) 11

Kimbrough v. United States, 552 U.S. 85 (2007) 7

Molina-Martinez v. United States, 578 U.S. 189 (2016) 15

Nelson v. United States, 555 U.S. 350 (2009) 6, 10

Pepper v. United States, 562 U.S. 476 (2011) 6

Peugh v. United States, 569 U.S. 530 (2013) 9

Puckett v. United States, 556 U.S. 129 (2009) 8

Rita v. United States, 551 U.S. 338 (2007) 6–7, 15

Rosales-Mireles v. United States, 138 S. Ct. 1897 (2018) 8, 15

United States v. Alvarado, 720 F.3d 153 (2d Cir. 2013) 4

United States v. Aplicano-Oyuela, 792 F.3d 416 (4th Cir. 2015) 4

United States v. Azcona-Polanco, 865 F.3d 148 (3d Cir. 2017) 4

United States v. Becerril-Peña, 714 F.3d 347 (5th Cir. 2013) 4

United States v. Cancino–Trinidad, 710 F.3d 601 (5th Cir. 2013) 11

United States v. Carter, 564 F.3d 325 (4th Cir. 2009) 11

United States v. Dominguez-Alvarado, 695 F.3d 324 (5th Cir. 2012) 4

United States v. Olano, 507 U.S. 725 (1993) 8, 14

United States v. Valdavinos-Torres, 704 F.3d 679 (9th Cir. 2012) 4

Statutes

18 U.S.C. § 3553(a) 1–2, 7, 9

18 U.S.C. § 3583(c) 1, 9

28 U.S.C. § 1254(1) 1

U.S.S.G. § 5D1.1 ..... 1, 4–5, 9

U.S.S.G. § 5D1.1 cmt. n.9 ..... 2, 4, 9

OPINIONS BELOW

The unpublished decision of the Fifth Circuit Court of Appeals is attached as [App. A]. The judgments of the district court are attached as [App. B]. The order revoking supervised release is attached as [App. C].

JURISDICTION

The decision of the United States Court of Appeals for the Fifth Circuit was entered on January 7, 2026 (App. A). The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1). This petition is timely under Supreme Court Rule 13.

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, including the requirement that such a determination be based on case-specific considerations.

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.

Title 18 U.S.C. § 3553(a) provides in relevant part:

> The court shall impose a sentence sufficient, but not greater than necessary… [and] shall consider—
> (1) the nature and circumstances of the offense and the history and characteristics of the defendant;
> (2) the need for the sentence imposed—
> (B) to afford adequate deterrence…
> (C) to protect the public…
> (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;

STATEMENT OF THE CASE

Petitioner Jonathan Mendez-Escobar is a noncitizen who has been repeatedly removed from the United States and is subject to deportation following any term of imprisonment. He was previously convicted of illegal reentry in 2021 and sentenced to a term of imprisonment followed by supervised release.

In 2024, Border Patrol agents encountered Petitioner in Texas after he unlawfully reentered the United States. He was indicted for illegal reentry under

8 U.S.C. § 1326 and pleaded guilty. At the time of the offense, Petitioner was serving a term of supervised release from his prior conviction.

On February 4, 2025, the district court conducted a consolidated sentencing and revocation hearing. For the new illegal-reentry offense, the court imposed a sentence of 86 months' imprisonment followed by a three-year term of supervised release. The court also revoked Petitioner's prior supervised release and imposed an additional term of imprisonment.

Petitioner argued that the imposition of supervised release was improper because he is a deportable defendant who will be removed from the United States upon release, and the Sentencing Guidelines provide that supervised release ordinarily should not be imposed in such circumstances absent a case-specific justification. He further argued that the district court failed to provide an individualized explanation for imposing supervised release.

The court of appeals affirmed. Applying plain-error review, the Fifth Circuit held that even if the district court erred by imposing supervised release without an individualized justification, Petitioner failed to demonstrate that the error affected his substantial rights. The court further rejected Petitioner's constitutional challenges, concluding that they would require an extension of existing precedent.

Petitioner's appeal thus squarely presented whether a sentencing court may impose supervised release on a deportable defendant without providing a case-specific justification, and whether such a sentence may be affirmed under plain-error review despite the absence of any individualized reasoning. This petition follows.

REASONS FOR GRANTING THE WRIT

I. The courts of appeals conflict in how they apply U.S.S.G. § 5D1.1(c) to 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 apply this presumption with differing levels of rigor. 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, other courts of appeals, including the Third,[2] Fourth, Fifth, and Ninth[3] Circuits, employ differing approaches when implementing U.S.S.G. § 5D1.1(c), leading to inconsistent outcomes

---

[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); *Dominguez-Alvarado,* 695 F.3d at 329–30. 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. Valdavinos-Torres*, 704 F.3d 679, 692–93 (9th Cir. 2012).

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. The appellate courts agree that supervised release may be appropriate for deportable defendants in some circumstances, but they disagree over whether they may uphold such sentences by inferring a district court's tacit intent.

This divergence 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 face more searching appellate review of whether that term is justified under § 5D1.1(c). The Court's review is needed to restore uniformity in the administration of federal sentencing law.

II. The decision below conflicts with this Court's requirement that sentencing courts provide reasoned, individualized explanations.

This case presents a recurring breakdown in federal sentencing. District courts impose supervised release without an adequate explanation, and courts of appeals acknowledge the absence of reasoning yet affirm under plain-error review. The result is a category of sentencing decisions that are never meaningfully reviewed and never corrected. This Court's intervention is required to restore the basic requirement that federal sentences be reasoned and reviewable.

This Court has long held that sentencing must be based on an individualized assessment and must include an adequate explanation to permit meaningful appellate review.[4] A sentencing court must "make an individualized assessment based on the facts presented" and "adequately explain the chosen sentence."[5]

That requirement is not limited to the term of imprisonment. It applies to all components of a sentence, including supervised release.[6] The decision below cannot be reconciled with those principles. The Fifth Circuit expressly assumed that the district court imposed supervised release without an individualized justification yet affirmed anyway. In doing so, it allowed an inadequately explained sentencing determination to stand.

This Court's precedents do not permit that result. An inadequately explained sentence is not merely procedurally imperfect; it is fundamentally unreviewable because a reviewing court cannot ascertain whether the judge followed the procedures the law and Constitution require.[7] Without an individual explanation, an appellate court cannot determine whether the sentence rests on permissible

---

[4] *Gall v. United States*, 552 U.S. 38, 50 (2007).
[5] *Gall*, 552 U.S. at 39; see also *Rita v. United States*, 551 U.S. 338, 356–57 (2007) (requiring explanation sufficient to "satisfy the appellate court that [the judge] has considered the parties' arguments and has a reasoned basis").
[6] See *Pepper v. United States*, 562 U.S. 476, 490–91 (2011) (emphasizing that sentencing must reflect "the fullest information possible concerning the defendant's life and characteristics"); *Nelson v. United States*, 555 U.S. 350, 352 (2009) (holding that a sentencing court may not presume that a Guidelines sentence is reasonable).
[7] *Rita*, 551 U.S. at 356.

considerations under 18 U.S.C. § 3553(a).[8] Allowing such a sentence to stand effectively nullifies the requirement of reasoned sentencing. If courts may impose punishment without an individual explanation and appellate courts may affirm regardless, the "reasoned basis" requirement becomes optional rather than mandatory.[9]

The requirement of reasoned sentencing is not merely procedural; it is constitutional in dimension. A sentence imposed without explanation deprives the defendant of meaningful appellate review and raises serious due-process concerns.[10] Article III likewise presupposes that judicial decisions are reasoned and reviewable. When courts impose punishment without explanation and appellate courts affirm despite that absence, the sentencing process ceases to function as a reasoned exercise of judicial power.

III. The Fifth Circuit's application of plain-error review eliminates meaningful appellate scrutiny.

Rather than finding that the district court provided an adequate explanation, the Fifth Circuit assumed error and affirmed on the ground that Petitioner failed to demonstrate an effect on substantial rights. That approach misapplies this Court's

---

[8] See *Gall*, 552 U.S. at 50-51; *Kimbrough v. United States*, 552 U.S. 85, 101 (2007) ("*Booker* 'permits the court to tailor the sentence in light of other statutory concerns as well.'") (quoting *United States v. Booker*, 543 U.S. 220, 245–46 (2005)).
[9] *Rita*, 551 U.S. at 356.
[10] *Gall*, 552 U.S. at 50–51.

plain-error framework. Under *Olano* and *Puckett*, an error affects substantial rights when it is prejudicial, typically meaning that it affected the outcome of the proceeding. A failure to explain a sentence satisfies that standard because it deprives the reviewing court of the ability to determine whether the sentence was properly imposed.[11]

This Court has repeatedly emphasized that procedural errors in sentencing, including failures to explain, require correction because they prevent meaningful appellate review.[12] The Fifth Circuit's rule creates a doctrinal inversion: the less explanation a district court provides, the harder it becomes for a defendant to show prejudice. That result is incompatible with *Rosales-Mireles*, which recognizes that sentencing errors affecting a defendant's term of imprisonment undermine the fairness and integrity of judicial proceedings, and the spirit of *Olano*, which requires a showing of prejudice.[13] The legitimacy of federal sentencing depends on the perception that punishment is imposed through reasoned decision-making. When courts impose additional punishment without explanation and appellate courts

---

[11] See *Puckett v. United States*, 556 U.S. 129, 135 (2009) ("the error must have affected the appellant's substantial rights, which in the ordinary case means he must demonstrate that it 'affected the outcome of the district court proceedings.'") (quoting *United States v. Olano*, 507 U.S. 725, 734 (1993))).

[12] *Gall*, 552 U.S. at 50 ("After settling on the appropriate sentence, he must adequately explain the chosen sentence to allow for meaningful appellate review and to promote the perception of fair sentencing").

[13] *Olano*, 507 U.S. 725*;* See *Rosales-Mireles v. United States*, 138 S. Ct. 1897, 1908 (2018) ("The risk of unnecessary deprivation of liberty particularly undermines the fairness, integrity, or public reputation of judicial proceedings in the context of a plain Guidelines error because of the role the district court plays in calculating the range and the relative ease of correcting the error.").

affirm despite acknowledging that absence, the process ceases to appear reasoned at all.

IV. The decision below undermines the statutory and guidelines framework governing supervised release.

Congress has directed that courts impose supervised release only after considering the factors set forth in 18 U.S.C. § 3553(a) and § 3583(c). Those provisions require an individualized determination tied to deterrence, protection of the public, and the defendant's circumstances. The Sentencing Guidelines reinforce that requirement. U.S.S.G. § 5D1.1(c) and its accompanying commentary provides that courts "ordinarily should not impose a term of supervised release" on a deportable defendant unless such supervision would provide an "added measure of deterrence and protection" based on the particular facts of the case.

This Court has emphasized that the Guidelines remain the "starting point and the initial benchmark" for sentencing.[14] The decision below permits courts to disregard that framework entirely. By affirming despite the absence of individualized case-specific justification, the Fifth Circuit effectively allows sentencing courts to bypass both § 3583(c) and § 5D1.1(c) without explanation. That approach conflicts with this Court's sentencing jurisprudence, which rejects treating

[14] See also *Peugh v. United States*, 569 U.S. 530, 536 (2013) ("the Guidelines should be the starting point and the initial benchmark"). (quoting *Gall*, 552 U.S. at 49–50).

the Guidelines as mandatory or presumptively reasonable.[15] A rule that permits the routine imposition of supervised release without individualized reasoning is precisely the type of categorical sentencing this Court has repeatedly rejected.

Ultimately, the routine imposition of supervised release in these circumstances imposes unnecessary administrative burdens without advancing any statutory purpose, further underscoring the disconnect between current practice and governing law. At the same time, such terms operate as a one-sided form of punishment: deported defendants receive none of the rehabilitative or supervisory benefits that justify supervised release yet remain exposed to additional imprisonment upon reentry. In this posture, supervised release functions not as a tool of reintegration but as a purely punitive mechanism untethered from the statutory purposes that govern sentencing.

V. While systematically evading review, the question presented is both recurring and important.

This case presents an issue of exceptional and recurring importance. While federal courts frequently impose supervised release on deportable defendants despite the Guidelines' presumption against doing so, the approach adopted by the Fifth Circuit is not universally shared. Other courts of appeals have emphasized that sentencing errors involving inadequate explanation undermine the reliability of the

[15] See *Nelson*, 555 U.S. at 351–52 ("not to be presumed reasonable").

proceeding and warrant meaningful appellate scrutiny.[16] While these courts may apply plain-error review, they do not treat the absence of reasoning as self-insulating. The Fifth Circuit's approach, by contrast, allows a nonindividualized sentencing determination to stand solely because the record is silent, creating a meaningful divergence in how federal courts ensure reasoned sentencing.

At the same time, appellate courts routinely apply plain-error review and affirm, even where the record reflects minimal individualized explanation, because relief requires a showing of a reasonable probability of a lower sentence.[17] The result is a systemic problem that evades review. Defendants rarely preserve objections with the specificity required to avoid plain-error review, and once plain-error review applies, the absence of explanation makes it nearly impossible to demonstrate prejudice. This Court has rejected rules that would prevent meaningful appellate review by locking courts into outdated law.[18] The issue therefore warrants this Court's intervention to ensure that sentencing remains a reasoned, individualized process consistent with statutory and constitutional requirements. This Court's

---

[16] *United States v. Carter*, 564 F.3d 325, 330 (4th Cir. 2009) ("This individualized assessment need not be elaborate or lengthy, but it must provide a rationale tailored to the particular case at hand and adequate to permit 'meaningful appellate review.'"); *Gall*, 552 U.S. at 50.

[17] *United States v. Cancino–Trinidad*, 710 F.3d 601, 606 (5th Cir. 2013) ("A sentencing error affects a defendant's substantial rights if he can show a reasonable probability that, but for the district court's misapplication of the Guidelines, he would have received a lesser sentence.") (quoting *United States v. Mudekunye*, 646 F.3d 281, 289 (5th Cir. 2011) (citing *United States v. Blocker*, 612 F.3d 413, 416–17 (5th Cir. 2010))).

[18] See *Henderson v. United States*, 568 U.S. 266, 272 (2013) ("An appellate court must apply the law in effect at the time it renders its decision"); (quoting *Thorpe v. Housing Authority of Durham*, 393 U.S. 268, 281 (1969))).

intervention is particularly warranted where, as here, the interaction between sentencing procedure and plain-error review produces a recurring category of uncorrected error. Without review, the requirement of reasoned sentencing risks becoming an empty formality in a substantial class of federal cases.

VI. The interaction between sentencing practice and plain-error review systematically prevents meaningful appellate review.

This case illustrates a recurring structural problem in federal sentencing: the interaction between ordinary sentencing practice and plain-error review operates to prevent meaningful appellate scrutiny of inadequately explained sentencing decisions. Sentencing proceedings are often fast-moving and focused on the determination of a custodial term. Trial counsel's role is to advocate for a lower sentence, respond to the court's reasoning in real time, and address factual and guideline disputes. In that setting, counsel may challenge the overall sentence but will rarely isolate and preserve a specific objection to the adequacy of the court's explanation for each discrete component of the sentence, including supervised release. This dynamic is reinforced by the structure of federal criminal practice, in which trial and appellate representation are frequently handled by different attorneys, particularly in cases involving appointed counsel. Appellate counsel thus inherits a record shaped without a focused objection to the sufficiency of the court's explanation for supervised release.

As a result, challenges to inadequately explained supervised-release terms predictably arise under plain-error review. But once in that posture, the doctrine produces a self-defeating result. The absence of explanation—the error itself—leaves the appellate record undeveloped. Courts then conclude that the defendant cannot demonstrate prejudice from that silence, and the sentence is affirmed.

The consequence is a systemic asymmetry: the less explanation a district court provides, the less likely its decision is to be reversed. This Court has repeatedly cautioned against doctrinal frameworks that insulate legal errors from correction or prevent meaningful review of important questions. Yet that is precisely what occurs here. Without this Court's intervention, the combination of routine sentencing practices and deferential appellate review will continue to produce a class of sentencing decisions that are effectively unreviewable in practice.

VII. This case is an ideal vehicle to resolve the questions presented.

This case cleanly asks whether a sentencing court may impose supervised release on a deportable defendant without providing a case-specific justification and whether such an error may be affirmed under plain-error review. The Fifth Circuit squarely addressed both issues. It proceeded on the assumption that the district court erred by failing to provide an individualized justification yet affirmed on the ground that Petitioner could not demonstrate plain error. There are no jurisdictional complications, no disputed facts, and no alternative grounds supporting the judgment. This case thus provides an ideal vehicle for resolving an important and

recurring question about the integrity of federal sentencing and the scope of appellate review.

VIII. The decision below creates a self-perpetuating doctrine that shields sentencing errors from review.

Rather than simply misapplying settled sentencing law, the decision below creates a self-reinforcing doctrinal structure in which acknowledged sentencing errors will almost never be corrected. By combining (1) the absence of any requirement that district courts provide an adequate case-specific explanation for supervised release with (2) an application of plain-error review that demands proof of prejudice from a silent record, the Fifth Circuit has effectively insulated an entire category of sentencing errors from meaningful appellate review.

This Court's precedents do not permit such a result. Plain-error review is not designed to ratify systemic violations that evade correction but to ensure that serious errors affecting fairness and legitimacy are remedied even when not preserved.[19] Under the Fifth Circuit's approach, the less explanation a district court provides, the more insulated its decision becomes. Where a sentencing court offers no individualized reasoning for imposing supervised release, a defendant is left with no record from which to demonstrate prejudice. And because prejudice cannot be shown,

[19] See *Olano*, 507 U.S. 725 ("plain-error doctrine exists to correct errors that "seriously affect the fairness, integrity or public reputation of judicial proceedings").

the error is affirmed. The result is a doctrinal loop: the absence of explanation both constitutes the error and defeats any attempt to obtain relief from that error.

This Court has rejected similar distortions of plain-error review. In *Molina-Martinez*, the Court held that where a sentencing error affects the framework of the proceeding, prejudice may be presumed because of the central role that sentencing procedures play in determining outcomes.[20] Likewise, in *Rosales-Mireles v. United States*, the Court recognized that sentencing errors that increase punishment ordinarily warrant correction under plain-error review.[21]

The logic of those decisions applies with even greater force here. An inadequately explained sentencing determination is not merely a technical defect; it is a breakdown in the decisional process itself. As this Court explained in *Rita*, the requirement of explanation exists to ensure that sentencing reflects a "reasoned basis" and to enable appellate courts to conduct meaningful review.[22] Where no such reasoning is provided, the reviewing court is left to speculate or, as here, to affirm despite acknowledging that no justification was given.

That outcome cannot be reconciled with this Court's requirement that sentencing courts adequately explain their decisions to permit meaningful appellate review.[23] A system in which courts may impose punishment without explanation and

---

[20] *Molina-Martinez v. United States*, 578 U.S. 189, 198 (2016) ("the error itself can, and most often will, be sufficient to show a reasonable probability of a different outcome").
[21] *Rosales-Mireles*, 138 S. Ct. 1897.
[22] *Rita*, 551 U.S. at 356.
[23] *Gall*, 552 U.S. at 50.

appellate courts may affirm without requiring one is not a system of reasoned sentencing at all. If left uncorrected, this framework will continue to produce a class of sentencing decisions that are effectively unreviewable—not because they are lawful but because the absence of adequate reasoning precludes meaningful appellate scrutiny.

IX. This case presents a structural breakdown in appellate review.

This case illustrates a broader structural problem in federal sentencing. When a district court imposes a sentence without explanation and an appellate court affirms on the ground that the defendant cannot demonstrate prejudice under plain-error review, the result is not deference. It is the elimination of meaningful review. The requirement of individualized sentencing remains on the books, but under this approach, it becomes unenforceable in practice. A rule that depends on a record to show error cannot function where the record contains no reasoning at all. In that circumstance, the absence of explanation does not simply make review more difficult. It makes it impossible.

This dynamic arises from the interaction between unreasoned sentencing decisions and the current application of plain-error review. The less explanation a sentencing court provides, the more difficult it becomes for a defendant to obtain relief. Over time, that interaction risks normalizing sentencing practices that are never meaningfully examined on appeal.

If left uncorrected, this framework will continue to produce sentencing decisions that evade appellate scrutiny. Courts will be permitted to impose punishment without explanation, and those decisions will stand not because they are justified but because the lack of reasoning prevents any effective challenge. This Court's intervention is warranted to ensure that the requirements of individualized sentencing and meaningful appellate review remain enforceable in practice.

CONCLUSION

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

Respectfully submitted,

/s/ Joseph Ostini
JOSEPH OSTINI
Counsel of Record for Mr. Jonathan Mendez-Escobar
756 Brohard Rd
Ray, OH 45672
joseph.ostini@gmail.com
(888) 529-9242