

United States Court of Appeals For the First Circuit

Nos. 24-1778
24-1779

UNITED STATES,

Appellee,

v.

CHRISTOPHER CABALLERO,

Defendant - Appellant.

Before

Rikelman, Howard, and Aframe,
Circuit Judges.

JUDGMENT

Entered: February 12, 2026

Defendant Christopher Caballero challenges the procedural and substantive reasonableness of his 36-month aggregate sentence. Appellant's sentence followed his straight guilty plea to two counts charging him with possession with intent to distribute fentanyl, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C); and possession with intent to distribute cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C). Appellant also admitted having violated his conditions of supervised release.

Appellant concedes that the standard of review is for plain error due to the lack of objections below. Accordingly, he argues that the court committed plain error when it imposed the aggregate 36-month sentence by: 1) failing to calculate the guidelines for the revocation sentence; 2) treating the guidelines as mandatory when it dictated that the sentences be served consecutively; 3) failing to consider the § 3553(a) factors, and 4) failing to adequately explain the sentence. Appellant also raises a substantive reasonableness challenge to the sentence. The government has moved for summary disposition averring that Appellant's claims are meritless because Appellant has not established that the sentencing court would have imposed a lower sentence but for the procedural error, and that the sentence is substantively reasonable. Appellant has opposed the motion.

After careful review of the parties' submissions, and the district court record, we grant the motion for summary disposition and affirm.

Because "this appeal follows a guilty plea, we draw the facts from the . . . change-of-plea colloquy, the uncontested portions of the presentence investigation report ('PSR'), and the sentencing hearing transcript." United States v. Colcord, 90 F.4th 25, 28 (1st Cir. 2024).

Generally, appellate review of criminal sentences is conducted under an abuse of discretion standard. United States v. Sierra-Jiménez, 93 F.4th 565, 569 (1st Cir. 2024), cert. denied, 145 S. Ct. 1184 (2025). This entails determining, first, whether the district court committed a procedural error. United States v. Casillas-Montero, 152 F.4th 306, 321 (1st Cir. 2025). "If no procedural error is found, 'we then consider the substantive reasonableness of the sentence under an abuse of discretion rubric.'" United States v. Mello, 164 F.4th 120, 130 (1st Cir. 2026) (quoting United States v. Meléndez-Hiraldo, 82 F.4th 48, 53 (1st Cir. 2023)).

Appellant concedes that his unpreserved claims are all subject to plain error review, "a steep climb for defendants on appeal." United States v. Alejandro-Rosado, 878 F.3d 435, 439 (1st Cir. 2017); United States v. Cheveres-Morales, 83 F.4th 34, 43–44 (1st Cir. 2023). Under this exacting standard, Appellant would have to meet the following conditions: "First, there must be an error. Second, the error must be plain. Third, the error must affect 'substantial rights,' which generally means that there must be 'a reasonable probability that, but for the error, the outcome of the proceeding would have been different.'" Greer v. United States, 593 U.S. 503, 507-08 (2021) (quoting Rosales-Mireles v. United States, 585 U.S. 129, 134–35 (2018)). If those provisos are met, an appellate court can act if the error seriously affects the "fairness and integrity of a judicial proceeding." Cheveres-Morales, 83 F.4th at 43–44.

Appellant has failed to meet this standard. A review of the record shows support for the aggregate sentence and none of Appellant's contentions are sufficient to show plain or obvious error, or a reasonable probability that the outcome would have been different in the absence of any error.

As to the first assignment of error, none of Appellant's arguments is sufficiently persuasive to show that the district court's failure to explicitly state the unchallenged revocation guideline calculations affected his substantial rights. With regard to the claim that the district court treated the guidelines as mandatory, Appellant has not demonstrated that the court's decision to impose consecutive sentences was due to its belief that it could not deviate from the guidelines, rather than a natural exercise of its discretion. The record also belies Appellant's contention that the district court failed to consider the sentencing factors or that the court's explanation was so lacking as to demonstrate error in the court's reasoning in imposing the sentence.

As to the substantive reasonableness claim, Appellant's substantive arguments are unable to move the needle to a finding of unreasonableness. It is axiomatic that "[i]n sentencing, . . . '[t]here is no one reasonable sentence in any given case but, rather, a universe of reasonable sentencing outcomes.'" United States v. Rijos-Rivera, 53 F.4th 704, 710 (1st Cir. 2022) (quoting United States v. Clogston, 662 F.3d 588, 592 (1st Cir. 2011)). A sentencing court "has discretion over the weighing of § 3553(a) factors and we 'will not disturb a well-reasoned decision to give

greater weight to particular sentencing factors over others." United States v. Santiago-Lozada, 75 F.4th 285, 296 (1st Cir. 2023) (quoting United States v. Caballero-Vázquez, 896 F.3d 115, 120 (1st Cir. 2018)).

In this case, the sentencing rationale was "plausible" and the resulting sentences, within and below the guidelines, are "defensible." And the "'linchpin of a substantively reasonable sentence is a plausible sentencing rationale and a defensible result.'" United States v. Rosario, 143 F.4th 41, 49 (1st Cir. 2025) (quoting United States v. Ayala-Vázquez, 751 F.3d 1, 32 (1st Cir. 2014)). See United States v. Ayala-Lugo, 996 F.3d 51, 56 (1st Cir. 2021) (within-guidelines sentence is presumptively reasonable and, to succeed, an appellant "'must adduce fairly powerful mitigating reasons and persuade us that the district court was unreasonable in balancing pros and cons.'" (quoting United States v. Cortés-Medina, 819 F.3d 566, 572 (1st Cir. 2016))); United States v. DeJesús, 6 F.4th 141, 150 (1st Cir. 2021) ("Where a sentence falls within a properly calculated GSR, a defendant who challenges it faces a steep uphill climb to show that the length of the sentence is unreasonable.").

The sentences imposed were lower than the ones requested by the government and rest within and below the uncontested applicable guidelines range.

Accordingly, we grant the government's motion for summary disposition, and the aggregate sentence is summarily affirmed. See 1st Cir.R. 27.0(c).

By the Court:

Anastasia Dubrovsky, Clerk

cc:

Stephen Paul Super
Christopher Caballero
Todd E. Newhouse
Donald Campbell Lockhart