

No. _____

In The
Supreme Court of the United States

RUBEN ANDRE GARCIA,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

**On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Ninth Circuit**

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Under *Chavez-Meza v. United States*, 585 U.S. 109 (2018), can a district court ignore a party's post-sentencing rehabilitation when deciding a sentence reduction motion under § 3582(c), as the Sixth and Eleventh Circuits have held, or must the court respond, as the Fourth and Fifth Circuits have held?

RELATED PROCEEDINGS

Parties, Related Proceedings, and Rule 29.6 Statement

The parties to the proceeding below were Petitioner Ruben Andre Garcia and the United States. There are no nongovernmental corporate parties requiring a disclosure statement under Supreme Court Rule 29.6.

All proceedings directly related to the case, per Rule 14.1(b)(iii), are as follows:

United States v. Garcia, No. 24-4702 (9th Cir. Oct. 24, 2025).

United States v. Garcia, No. 3:19-cr-04488-JLS-3 (S.D. Cal. Jul. 17, 2024).

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Ruben Andre Garcia respectfully prays that the Court issue a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit.

INTRODUCTION

Does a district court err when it denies a motion for reduction of sentence or compassionate release without acknowledging or discussing evidence of post-sentencing rehabilitation presented by the defendant with the motion? A circuit split has developed on this question following *Chavez-Meza v. United States*.

In *Chavez-Meza*, this Court considered when a “barebones” order for a § 3582(c)(2) motion is appropriate. *Chavez-Meza v. United States*, 585 U.S. 109 (2018).

There, the Court found the use of the form order appropriate but noted that “under different facts and a different record, the district court’s use of a barebones form order in response to a motion like petitioner’s [could] be inadequate.” *Id.* at 119. Accordingly, a circuit split has developed in response to the question of whether a district court must address post-sentencing rehabilitation in order to be “[]adequate” under *Chavez-Meza*.

According to the Fourth and Fifth Circuits, a district court must respond to any nonfrivolous post-sentencing rehabilitation argument a party makes in a § 3582 motion. *See United States v. Martin*, 916 F.3d 389, 396 (4th Cir. 2019) (reverse and remanding sentence reduction motions for failing to address post-sentencing conduct); *accord United States v. McDonald*, 986 F.3d 402 (4th Cir. 2021) (reverse and remanding partially granted sentence reduction motions because the district court failed to provide individualized explanation of post-sentencing rehabilitation); *United States v. Davis*, 99 F.4th 647 (4th Cir. 2024) (reverse and remanding for district court’s failure to address rehabilitation argument in defendant’s compassionate release motion); *United States v. Handlon*, 53 F.4th 348 (5th Cir. 2022) (reverse and remanding for district court’s failure to address new circumstances in a subsequent compassionate release motion).

But according to the Sixth and Eleventh circuits, a district court need not respond—permitting sentencing judges, effectively, to ignore nonfrivolous arguments. *See United States v. Gaston*, 835 F. App’x 852, 854 (6th Cir. 2020) (affirming order denying a compassionate release without addressing post-

sentencing rehabilitation); *United States v. Estacio*, No. 24-12702, 2025 WL 1355234 (11th Cir. May 9, 2025) (unpublished) (holding that a district court need not address new rehabilitation evidence in an order denying sentence reduction motion).

The Ninth Circuit, meanwhile, subsequent to this Court's ruling in *Chavez-Meza*, reversed course from earlier holdings. It also affirms that a district court need not address new rehabilitation arguments in § 3582 motions. *See United States v. Wilson*, 8 F.4th 970, 977 (9th Cir. 2021) (affirming denial of sentence reduction motion); *cf United States v. Trujillo*, 713 F.3d 1003 (9th Cir. 2013) (reverse and remanding for district court's failure to address nonfrivolous rehabilitation argument).

That circuit split makes the difference in assessing whether the denial of Ruben Andre Garcia's sentence reduction motion is lawful—along with those of countless others. In affirming the one-page form order denying Mr. Garcia's sentence, the panel agreed that the district court did not address Mr. Garcia's post-sentencing mitigation arguments. It also did not dispute that those arguments were nonfrivolous. But unlike what would occur in two other courts of appeals, the Ninth Circuit affirmed. Thus, the Court should grant review in this case to resolve this debate.

OPINION BELOW

The Ninth Circuit affirmed the denial of Mr. Garcia’s Section 3582(c)(2) sentence reduction motion, observing, in relevant part, that the “reasons for that denial are clear from the original sentencing transcript.” Pet. App. A.

JURISDICTION

The Court of Appeals affirmed the denial of Mr. Garcia’s motion on October 24, 2025. *See* Pet. App. A. It then denied Mr. Garcia’s petition for rehearing and rehearing en banc on March 19, 2026. *See* Appendix B. The Court has jurisdiction under 28 U.S.C. § 1254(1).

RELEVANT STATUTORY PROVISIONS AND RULES

18 U.S.C. § 3582 provides, in relevant part:

(c) The court may not modify a term of imprisonment once it has been imposed except that –

(1) in any case—

(A) the court, upon motion of the Director of the Bureau of Prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier, may reduce the term of imprisonment (and may impose a term of probation or supervised release with or without conditions that does not exceed the unserved portion of the original term of imprisonment), after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that—

(i) extraordinary and compelling reasons warrant such a reduction; or

(ii) the defendant is at least 70 years of age, has served at least 30 years in prison, pursuant to a sentence imposed under section 3559(c), for the offense or offenses for which the

defendant is currently imprisoned, and a determination has been made by the Director of the Bureau of Prisons that the defendant is not a danger to the safety of any other person or the community, as provided under section 3142(g); and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission; and

(B)the court may modify an imposed term of imprisonment to the extent otherwise expressly permitted by statute or by Rule 35 of the Federal Rules of Criminal Procedure; and

(2) in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. 994(o), upon motion of the defendant or the Director of the Bureau of Prisons, or on its own motion, the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission. 18 U.S.C. § 3553(c).

STATEMENT OF THE CASE

The district court denied Mr. Garcia's motion for a sentence reduction under 18 U.S.C. § 3582(c)(2) in a one-line-statement pre-printed on a standard form order. This case is about whether the appellate court adequately addressed Mr. Garcia's nonfrivolous post-sentencing rehabilitation argument before it did so.

Generally, a district court "may not modify a term of imprisonment once it has been imposed." 18 U.S.C. § 3582(c). One exception is "in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission." 18 U.S.C. § 3582(c)(2). In those circumstances, § 3582(c)(2) authorizes a court to reduce the term of imprisonment "if such a reduction is consistent with" applicable

Commission policy statements and “after considering the factors set forth in section 3553(a).” *Id.*

After years of research, the U.S. Sentencing Commission made a change to the Sentencing Guidelines regarding the use of “status points” which give criminal history points to individuals who commit the offense while on supervision. *See* U.S.S.G. App. C, Amendment 821; U.S. Sentencing Commission, 2023 Criminal History Amendment in Brief (Amendment 821) (summarizing history of amendment); U.S. Sentencing Commission, Revisiting Status Points (June 27, 2022) (research report regarding status reports). The Commission made the change as part of its “mission of implementing data-driven sentencing policies” along with “its duty to craft penalties that reflect the statutory purposes of sentencing.” U.S.S.G. App. C, Amendment 821, Reason for Amendment. The Commission determined that reducing the use of status points would “serve the broader purposes of sentencing.” *Id.* The Commission also made the change retroactive.

Mr. Garcia filed a sentence reduction motion based on this change in status points. In his motion, Mr. Garcia argued that he was both eligible for a sentence reduction, and that it was warranted, pointing to his post-sentencing conduct, including extensive rehabilitation, lack of disciplinary issues, and steady employment. In the nearly three years from when he was sentenced, Mr. Garcia completed coursework specifically aimed at rehabilitating himself following his crime. Among others, Mr. Garcia completed classes entitled “Think[ing] about right & wrong,” “understanding anger,” “developing insight,” “AIDS&STD/infectious

disease,” several classes on “anger management,” “depression,” “anxiety/PTSD,” “managing your stress,” “compulsive gambling,” “finding direction,” as well as a substance abuse program. ER-20. He also successfully completed all 21 sessions of the “Finding Insight-Self Help” program (F.I.S.H.). ER-12.

Much of this programming addresses concerns that the court voiced at sentencing. For example, the judge expressed a desire for Mr. Garcia to have the “opportunity” to participate in a residential drug and alcohol treatment program while in custody. ER-133. While waiting on his ability to participate in the residential program, Mr. Garcia independently completed drug and alcohol abuse classes. ER-13; ER-20.

The district court denied Mr. Garcia’s motion in a form order via a single checked box—without addressing Mr. Garcia’s post-sentencing rehabilitation. The form used was a standard order issued by the Administrative Office of the U.S. Courts (and was the same one used in *Chavez-Meza*).

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant’s previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of _____ months is reduced to _____.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

ER-3.

This form has two pages in its standard format with the header “AO 247 (Rev 03/19) Order Regarding Motion For Sentence Reduction Pursuant To 18 U.S.C. §

3582(c)(2).” The second page has a section for the court to calculate a “previous” Guideline range and an “amended” Guideline range. *Id.* The second page also has a section for the court to list the “FACTORS CONSIDERED.” *Id.* The court checked the box indicating it “denied” the motion. *Id.*

Despite the usage of a common form across district courts, there does not seem to be a unified approach to the use of these forms. In Mr. Garcia’s case, the district judge modified the form to not include the second page. The order makes no reference to post-sentencing rehabilitation. The judge did not add any additional information or remarks to address Mr. Garcia’s argument regarding rehabilitation.

Mr. Garcia timely appealed. In relevant part, Mr. Garcia argued that the form order was insufficient because it did not address his post-sentencing rehabilitation evidence. *See* AOB 25-28; ARB 15-20. He repeatedly cited and discussed the Ninth Circuit’s pre-*Chavez-Meza* decision *Trujillo* throughout the opening and reply briefs. In *Trujillo*, the Ninth Circuit remanded a district court’s denial of a § 3582(c)(2) sentence reduction motion for a fuller explanation. 713 F.3d at 1008–11. The district court never addressed *Trujillo*’s post-sentencing rehabilitation “even to dismiss them in shorthand.” *Id.* at 1010.

The Ninth Circuit affirmed the denial in an unpublished memorandum disposition. The panel recognized Mr. Garcia’s contention that the district court failed to “address his mitigating arguments” and that “further explanation from the district court would have aided our review.” Pet. App. A. Nevertheless, the panel affirmed the lack of explanation, following the Ninth Circuit’s post-*Chavez-Meza*

decision *United States v. Wilson*. 8 F.4th 970, 977 (9th Cir. 2021). It noted that “a minimal explanation [of a resentencing denial] is adequate in light of the deference due to the judge's professional judgment and the context of a particular case.” *Id.* (citing *Wilson*, 8 F.4th 970). The panel further noted that “[o]n this record, we can infer ‘the intuitive reason’ why the judge concluded that the lowering of Garcia’s Guidelines range did not justify a sentence reduction” and that the “reasons for that denial are clear from the original sentence transcript.” *Id.* (quoting *Chavez-Meza*, 585 U.S. at 118-120 (citing *Wilson*, 8 F.4th 977)).

Mr. Garcia sought rehearing by the panel or by the broader Ninth Circuit, sitting en banc. The Ninth Circuit denied his request. He now petitions the Court to review his case and resolve the stark division over a district court’s obligations to respond to nonfrivolous arguments under *Chavez-Meza*.

REASONS FOR GRANTING THE WRIT

This Court should grant this petition to resolve an important question that has divided the circuits: After *Chavez-Meza*, does the presentation of nonfrivolous post-sentencing rehabilitation in a § 3582(c) motion require a court to address it? The courts of appeals have coalesced around two diametrically opposed views on that basic question.

Two courts of appeals hold that a district court must respond to a party’s nonfrivolous rehabilitation arguments. Three courts of appeals—including the court below—hold that a district court need not respond to a party’s nonfrivolous post-sentencing conduct arguments for a sentence reduction under § 3582(c)(2).

The issue is of importance to the perceived legitimacy of the criminal justice system at large. Courts need to follow the same rules of the road in adjudicating the amount of time people serve in jail. This includes the numerous individuals arguing for sentence reduction motions after their final convictions have been entered. That is why the Court has not hesitated to intervene when intractable disagreements over the proper sentencing process—like this one—arise.

Additionally, Mr. Garcia’s case provides the right vehicle to resolve that split because the issue is preserved. Thus, the Court should grant the petition.

I. After *Chavez-Meza*, the courts of appeals have split over what procedural obligation a district court has when a party makes a nonfrivolous argument for a motion under § 3582(c)(2).

In *Chavez-Meza*, the Court provided some ground rules for when a judge can use a “barebones” form order such as the one used with Mr. Garcia. 585 U.S. at 119. A court must provide sufficient explanation for a decision “to allow for meaningful appellate review.” *Id.* at 115-16 (quoting *Gall v. United States*, 552 U.S. 38, 50 (2007)). However, the amount of explanation a district court is required to provide in connection with sentencing decisions depends “upon the circumstances of the particular case.” *Id.* at 116. “In some cases, it may be sufficient for purposes of appellate review that the judge simply relied upon the record, while making clear that he or she has considered the parties’ arguments.” *Id.* “But in other cases, more explanation may be necessary (depending, perhaps, upon the legal arguments raised...).” *Id.* Such additional explanation is obviously necessary when “evidence in the record affirmatively show[s] that the sentencing judge failed to consider” certain

relevant factors. *Id.* Even without affirmative evidence of a judge’s failure to consider, more specific explanation may be necessary. *Id.*

This analysis has led circuits to split over how much explanation is required. Specifically, whether a district court is required to address post-sentencing rehabilitation arguments.

A. Two courts of appeals hold that a district court must respond to a party’s post-sentencing rehabilitation argument when ruling on a sentence reduction motion.

After *Chavez-Meza*, the Fourth Circuit has held that when an individual presents “[e]vidence of mitigating factors not available at the original sentencing” a district court errors “by failing to give ... an individualized explanation for why it chose to deny [the] motion.” *Martin*, 916 F.3d at 396; *see also United States v. McDonald*, 986 F.3d 402 (4th Cir. 2021) (remanding partially granted First Step Act sentence reduction motions because the district court failed to provide individualized explanation of post-sentencing rehabilitation); *United States v. Davis*, 99 F.4th 647 (4th Cir. 2024) (remanding for district court’s failure to address rehabilitation argument in defendant’s compassionate release motion).

In *Martin*, both appellants argued in district court that they were eligible for sentence reductions because of a Guidelines amendment that applied retroactively. Each appellant gave ample evidence of post-sentencing rehabilitation to support their motion under the § 3553(a) factors. *Martin*, 916 F.3d at 392, 394. While in custody, Martin had taken extensive coursework, tutored other inmates, and maintained an exemplary behavioral record, all while serving a life sentence. *Id.* at

392. The other appellant, Mangual, noted his extensive education while in custody (to the point of exhaustion of such opportunities), his initiative in creating coursework for other inmates, and his own minimal disciplinary record. *Id.* at 394.

In Martin’s case, the district court agreed Martin was eligible but declined to reduce her sentence under the § 3553(a) factors and the seriousness of her offense. *Id.* at 393. Notably, the only explanation the court provided was a “recitation of Martin’s original criminal behavior,” *Id.* at 397, and it did not acknowledge the post-sentencing rehabilitation Martin had presented. In remanding, the Fourth Circuit held that “[t]he district court must provide an individualized explanation for why Martin’s steps toward rehabilitation are meaningless.” *Id.* at 397. “Martin has presented a mountain of new mitigating evidence that the sentencing court never evaluated.” *Id.* at 396.

The Fifth Circuit similarly requires explicit consideration of changed circumstances such as rehabilitation when denying a motion under 18 U.S.C. § 3582. In *United States v. Handlon*, 53 F.4th 348 (5th Cir. 2022), the defendant filed multiple motions for compassionate release pursuant to 18 U.S.C. § 3582(c)(1). *Id.* at 349. The district court denied his initial motions, before the defendant filed a further motion, which “presented new factual circumstances.” *Id.* at 352. Again, the district court denied that last motion “for the same reasons stated in” its denial of the defendant’s prior motion. *Id.* at 349.

The Fifth Circuit vacated the district court's order. *Id.* at 353. It explained that “a court cannot deny a second or subsequent motion for compassionate release

‘for the reasons stated’ in a prior denial where the subsequent motion presents changed factual circumstances and it is not possible to discern from the earlier order what the district court thought about the relevant facts.” *Id.* This was the case even if the “motion may have little chance of success.” *Id.*

The Fifth Circuit held that an explanation requirement when presented with new arguments holds judges to their “obligation to say enough that the public can be confident that cases are decided in a reasoned way.” *Id.*; *see also United States v. Stanford*, 79 F.4th 461, 463-64 (5th Cir. 2023) (a court considering a compassionate release motion “must give ‘specific factual reasons’ for its decision,” or else there is “no reliable indication of the reason for the court’s decision to deny relief”); *United States v. Chambliss*, 948 F.3d 691, 693 (5th Cir. 2020) (same). Thus, the Fifth Circuit does not permit district courts to deny sentence reduction motions without specifically addressing nonfrivolous new arguments.

Thus, two courts of appeals remanded cases solely because the judge had failed to respond to a party’s nonfrivolous argument that developed after the original sentencing, something that each concluded violated the Court’s holding in *Chavez-Meza*.

B. Three courts of appeals hold that a district court need not respond to a party’s post-sentencing rehabilitation argument when ruling on a sentence reduction motion.

On the other hand, three courts of appeals—the Sixth and Eleventh Circuits—have held that a district court need not acknowledge new evidence of rehabilitation to deny a motion for compassionate release or sentence reduction.

While the Ninth Circuit has not explicitly held that a district court need not address rehabilitation, its holding in *Wilson* and affirmation of Mr. Garcia's order suggests that it holds a similar view.

The Eleventh Circuit has held that a district court need not consider post-sentencing rehabilitation *at all* when adjudicating motions for relief under 18 U.S.C. § 3582. In *United States v. Tinker*, 14 F.4th 1234 (11th Cir. 2021), the defendant argued that the district court erred in neglecting to consider evidence of his post-offense rehabilitation when denying his motion for compassionate release under § 3582(c)(1). 14 F.4th at 1240. The Eleventh Circuit found no error in the district court's failure to consider evidence of rehabilitation, reasoning that courts are "not required to expressly discuss all of" a party's arguments in a § 3582 motion. The Eleventh Circuit later affirmed this in the §3582(c)(2) context in an unpublished opinion, *United States v. Estacio*, No. 24-12702, 2025 WL 1355234, at *4 (11th Cir. May 9, 2025). In doing so, it noted that a district court is "not *required* to consider, much less give significant weight to, [a defendant's] post-sentencing rehabilitation." *Id.* (emphasis in original). *See also United States v. Valencia*, No. 24-13656, 2025 WL 928854 (11th Cir. Mar. 27, 2025) (unpublished) (finding that "[t]he district court ... was within its discretion to not consider [the defendant's] post-conviction conduct" under 18 U.S.C. § 3582).

The Sixth Circuit, at least in unpublished cases, has also allowed district courts to deny a § 3582(c) motion without discussing new rehabilitation evidence. In *United States v. Gaston*, 835 F. App'x 852, 854 (6th Cir. 2020), the defendant

contended that the district court ignored the evidence in his § 3582(c) motion about his “post-sentencing rehabilitative efforts.” *Id.* The Sixth Circuit disagreed, holding that “Congress has made clear that rehabilitation ‘alone’ does not provide a proper basis for relief” and that a court is not required to address it. *Id.* (citing *United States v. Ruffin*, 978 F.3d 1000, 1009 (6th Cir. 2020)).

The Ninth Circuit, meanwhile, permits district courts to ignore post-sentencing rehabilitation evidence, in contrast with its prior holdings. Pre-*Chavez-Meza*, the Ninth Circuit required a district court to address rehabilitation arguments when considering § 3582(c) motions. In *Trujillo*, the Ninth Circuit remanded a district court’s denial of a § 3582(c)(2) sentence reduction motion for failing to address Trujillo’s post-sentencing rehabilitation. 713 F.3d at 1008–11. The district court did not address Trujillo’s post-sentencing rehabilitation “even to dismiss them in shorthand.” *Id.* at 1010. Because he “presented nonfrivolous arguments,” and these were “two arguments the defendant had made that bear heavily on the § 3553(a) analysis... and the district court did not at all explain the reasons for rejecting them,” the Ninth Circuit reversed and remanded. *Id.* at 1010–11.

After *Chavez-Meza*, however, the Ninth Circuit has reversed course and now allows courts to issue orders without expressly addressing post-sentencing rehabilitation arguments. Instead, “a minimal explanation [of a resentencing denial] is adequate in light of the deference due to the judge’s professional judgment and the context of a particular case.” *Wilson*, 8 F.4th at 977. “[A] judge’s explanation

provided at resentencing must be considered in light of the initial sentencing, including the court's awareness of the defendant's arguments, its consideration of the relevant sentencing factors, and the intuitive reason for picking a particular sentence." *Wilson*, 8 F.4th at 976. In other words, as the panel held here, no explanation is needed when the "reasons for th[e] denial are clear from the original sentencing transcript" because the appellate court "can infer 'the intuitive reason' why the judge" denied the motion. Pet. App. A (quoting *Wilson*, 8 F.4th at 977).

Thus, these three courts of appeals affirmed the denial of a defendant's § 3582(c) motion, even though the sentencing judge had failed to respond to a party's post-sentencing conduct argument. Accordingly, following this Court's decision in *Chavez-Meza*, the courts of appeals are deeply divided over what procedural obligation a district court has when a party makes a post-sentencing rehabilitation argument. Only this Court can provide clarity on the scope of a district court's obligation.

II. Resolving the question presented is critically important to the proper administration of § 3582(c) motions.

It is critical that the Court grant review now to clarify a sentencing judge's obligation to explain the rationale behind its decisions on sentencing reduction motions. There were 1,317 modifications made under § 3582(c)(2) in 2025, and 394 under § 3582(c)(1). *See* U.S. Sentencing Comm'n, SOURCEBOOK "Table R" (2025). This does not include the much greater number of motions filed where modifications were not granted, such as with Mr. Garcia. The extent of a district court's obligation

to articulate its sentencing rationale therefore affects an enormous number of people every year, likely to total in the thousands.

It is unacceptable in a national system of criminal justice that the same basic standards do not govern these thousands of orders. The Court has continually recognized the need for intervention when a circuit split develops over the sentencing process, including post-sentencing procedures. On this very issue in the § 3582 context, the Court recognized the need to address a circuit split regarding a district courts' obligations of explanation in *Chavez-Meza*, 585 U.S. 109; *see also* *Concepcion v. United States*, 597 U.S. 481 (2022) (resolving the circuit split over whether district courts may consider intervening changes of law or fact in exercising their discretion to reduce a sentence); *Rosales-Mireles v. United States*, 585 U.S. 129, 132 (2018) (resolving the circuit split over when a court of appeals should exercise its discretion to correct a plainly erroneous Guidelines calculation); *Molina-Martinez v. United States*, 578 U.S. 189, 192 (2016) (resolving the circuit split over whether an unpreserved Guidelines error, standing alone, affects a defendant's substantial rights under Federal Rule of Criminal Procedure 52(b)); *Peugh v. United States*, 569 U.S. 530, 540 (2013) (resolving the circuit split over whether the Ex Post Facto Clause applies to the advisory Guidelines); *Rita v. United States*, 551 U.S. 338, 357-58 (2007) (resolving the circuit split over whether a court of appeals can presume a within-Guidelines sentence is reasonable); *Kimbrough v. United States*, 552 U.S. 85, 93 n.4 (2007) (resolving the circuit split over whether a district court may use its discretion to remedy the crack-powder

disparity); *Gall v. United States*, 552 U.S. 38, 40 (2007) (resolving the circuit split over the scope of an appellate court’s review when a defendant receives a non-Guidelines sentence). That repeated intervention is warranted because of the real risk that an “unnecessary deprivation of liberty particularly undermines the fairness, integrity, or public reputation of judicial proceedings.” *Rosales-Mireles*, 585 U.S. at 140. Following *Chavez-Meza*, another circuit split has developed. The Court should intervene in this case as well to set forth a single, national standard for the requirements for a district court to explain its sentencing rationale when confronted with a post-sentencing rehabilitation argument in a sentence reduction motion.

III. Mr. Garcia presents the right vehicle to resolve the circuit split.

Mr. Garcia’s case provides an excellent vehicle to resolve the circuit split. The issue is squarely presented. Mr. Garcia presented evidence of nonfrivolous rehabilitation in his motion to reduce his sentence and raised the issue on appeal. Mr. Garcia’s post-sentencing conduct included extensive rehabilitation, no disciplinary issues, and steady employment. The district judge denied it in a one-page form order with no additional information or remarks provided. The Ninth Circuit affirmed the denial, citing *Chavez-Meza* and *Wilson* as holding a failure to address rehabilitation arguments is appropriate when there is an “intuitive reason” from the original sentencing proceedings. Pet. App. A. If Mr. Garcia had been in the Fourth or Fifth Circuit, the circuit would have reversed and remanded the district judge’s decision for its failure to explain.

IV. This Court should grant review because the court of appeals below is on the wrong side of the circuit split.

Review is warranted in this case in particular because the Ninth Circuit got it wrong. Contrary to what the Ninth Circuit held below, a district court must acknowledge any post-sentencing rehabilitation argument made in a § 3582(c) motion.

A court's acknowledgment of a party's nonfrivolous argument provides the only real assurance that the court heard and considered that argument. Indeed, "[a] judge who fails to mention a ground of recognized legal merit (provided it has a factual basis) is likely to have committed an error or oversight." *United States v. Cunningham*, 429 F.3d 673, 679 (7th Cir. 2005) (Posner, J.). Because, as another experienced jurist put it, every judge has initially thought he or she would rule in favor of one party, only to find that the opinion "just won't write." See Kenneth F. Ripple, *Legal Writing in the New Millennium: Lessons from a Special Teacher and a Special 'Classroom'*, 74 Notre Dame L. Rev. 925, 926 (1999). As with anything, forcing oneself to engage with an argument—either in writing or verbally—often makes one think more critically about that argument.

Moreover, requiring courts to respond to nonfrivolous arguments is consistent with two of the purposes of an explanation requirement that the Court discussed in *Rita v. United States*, 551 U.S. 338, 357-58 (2007). One function of an explanation requirement is to facilitate accurate appellate review. *Id.* at 357-58. In the courts of appeals that simply assume a court considered and rejected any argument not discussed, the appellate court will necessarily have a less accurate understanding of

what actually led the court to impose the sentence that it did. Courts meanwhile will have to guess why some unacknowledged—and possibly overlooked—arguments did not carry the day.

This makes meaningful appellate review for procedural and substantive reasonableness much harder, if not impossible. The court of appeals will have to fill in the blanks for the lower court and then review that manufactured rationale to determine whether the court properly exercised its discretion. Indeed, that is what happened here with panel inferring an “intuitive reason” for the district judge’s denial of the motion. Pet. App. A.

Meanwhile, any error in the district court’s thought process will be shielded from scrutiny, since the error will have been silently made. That creates an untenable system in which, if an error occurs at sentencing and no one is around to hear it, the error effectively does not occur.

Another function of an explanation requirement is to benefit the public. As the Court noted in *Rita*, “[c]onfidence in a judge’s use of reason underlies the public’s trust in the judicial institution,” and that “[a] public statement of those reasons helps provide the public with the assurance that creates that trust.” 551 U.S. at 356. Allowing a court, however, to silently dismiss potentially meritorious arguments based on post-sentencing rehabilitation does not build trust in the judiciary. To the contrary, it leaves the public wondering whether the judge even considered the efforts and changes that have been made by individuals while serving their sentences.

Finally, defendants themselves greatly benefit from hearing the sentencing court explain and discuss their sentencing rationale, including their thoughts on the defendant's motions to reduce their sentences. A court's response to a defendant's arguments "communicates a message of respect for defendants, strengthening what social psychologists call 'procedural justice effects,' thereby advancing fundamental purposes of the Sentencing Reform Act." Michael M. O'Hear, *Explaining Sentences*, 36 Fla. St. U. L. Rev. 459, 472 (2009) (footnote omitted); *see also Rosales-Mireles*, 585 U.S. 129, 144 (citing, and agreeing with, procedural justice literature). Thus, requiring courts to respond to a defendant's nonfrivolous arguments, even in the sentence reduction context, can foster compliance with the law by providing more legitimacy to the process from the defendant's perspective.

In short, the minimal requirement that district courts respond to post-sentencing rehabilitation arguments serves numerous virtues and makes it more likely that a district court will impose a lawful, fair sentence. The Ninth Circuit erred when it held otherwise in Petitioner's case.

CONCLUSION

Accordingly, the Court should grant the petition for a writ of certiorari.

Respectfully submitted,

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