No. 26-6079

IN THE

SUPREME COURT OF THE UNITED STATES

FILED
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OFFICE OF THE CLERK
SUPREME COURT, U.S.

FRANCISCO RIOS BALDERRAMA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORIGINAL

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether a court deciding eligibility for a sentence reduction under 18 U.S.C. § 3582(c)(2) may treat a life sentence as a mandatory statutory minimum under 21 U.S.C. § 848(b), without first determining from the existing conviction and sentencing record that the additional statutory requirements of § 848(b), rather than the sentencing range in § 848(a), actually governed the sentence.

2. Whether, in reviewing a prisoner-filed motion under 18 U.S.C. § 3582(c)(1)(A), a court may reject extraordinary and compelling reasons without meaningfully addressing the prisoner's cumulative circumstances under the amended U.S.S.G. § 1B1.13, including an unusually long sentence, post-sentencing rehabilitation, intervening Guideline developments, and other individualized circumstances.

PARTIES TO THE PROCEEDING

Petitioner Francisco Rios Balderrama was the defendant-appellant in the court of appeals. Respondent United States of America was the plaintiff-appellee.

RELATED PROCEEDINGS

United States v. Balderrama, No. 24-50343, United States Court of Appeals for the Fifth Circuit, judgment entered July 15, 2026. United States v. Francisco Rios Balderrama, No. 7:00-CR-141-1, United States District Court for the Western District of Texas.

See Appendix D: Fifth Circuit Court of Appeals Docket.

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PETITION FOR A WRIT OF CERTIORARI

Francisco Rios Balderrama respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit in No. 24-50343.

OPINIONS BELOW

The Fifth Circuit's unpublished per curiam opinion was entered on July 15, 2026, in No. 24-50343. It affirmed the district court's denial of Petitioner's omnibus request for relief under 18 U.S.C. § 3582(c)(2), § 404 of the First Step Act, and 18 U.S.C. § 3582(c)(1)(A). See Appendix A. On August 14, 2026, the Clerk of the Fifth Circuit informed Petitioner that the court would take no action on his petition for rehearing because the time to file under Federal Rule of Appellate Procedure 40 had expired. See Appendix B.

JURISDICTION

The Fifth Circuit entered judgment on July 15, 2026. This Court has jurisdiction under 28 U.S.C. § 1254(1). Because the Fifth Circuit did not entertain Petitioner's untimely rehearing petition and instead stated that it would take no action on it, Petitioner treats the 90-day period as running from the July 15, 2026 judgment. Under Supreme Court Rule 13, the petition therefore should be filed no later than October 13, 2026, absent an extension granted by a Justice. Petitioner does not rely on the August 14, 2026 clerk letter to restart the certiorari period.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fifth and Sixth Amendments to the United States Constitution are implicated by Petitioner's argument concerning facts necessary to trigger a mandatory statutory punishment.

21 U.S.C. § 848(a) provided a sentencing range for a person convicted of engaging in a continuing criminal enterprise. Section 848(b) required life imprisonment only when additional statutory criteria were satisfied.

18 U.S.C. § 3582(c)(2) authorizes a sentence reduction, subject to statutory and Guidelines limitations, when a defendant was sentenced based on a sentencing range that the Sentencing Commission subsequently lowered.

18 U.S.C. § 3582(c)(1)(A) authorizes a reduction for extraordinary and compelling reasons after consideration of the applicable § 3553(a) factors and consistency with applicable Sentencing Commission policy statements.

STATEMENT OF THE CASE

A. Conviction and sentence

Petitioner was prosecuted in the Western District of Texas in Case No. 7:00-CR-141-1. Count One of the indictment charged a continuing criminal enterprise under 21 U.S.C. § 848. The present dispute is not whether Petitioner was convicted of a CCE offense. It is which subsection supplied the legally controlling sentencing floor: § 848(a), which permitted a term of years up to life, or § 848(b), which imposed mandatory life only if its additional criteria were satisfied.

Petitioner has consistently maintained that the courts should examine the indictment, jury findings, presentence report, statement of reasons, judgment, and sentencing transcript before treating § 848(b) as the statutory basis for mandatory life.

B. Sentence-reduction proceedings

Petitioner sought relief under § 3582(c)(2) based on Amendments 782 and 788, under § 404 of the First Step Act, and under § 3582(c)(1)(A). His filings argued that the retroactive drug-guideline amendments materially reduced the otherwise applicable Guidelines calculation and that his compassionate-release request rested on cumulative circumstances, not rehabilitation alone.

Those circumstances included more than twenty-five years served, age-related decline, extensive rehabilitation and educational programming, reduced recidivism risk, an unusually long life sentence, modern sentencing disparities, Amendment 782, intervening Guidelines developments, and current individualized circumstances.

C. Fifth Circuit decision

The Fifth Circuit affirmed. On the § 3582(c)(2) claim, it stated that Amendments 782 and 788 did not lower Petitioner's 'statutorily mandated life sentence' under 21 U.S.C. § 848(b)(1)(A). It also stated that Petitioner's contention concerning the drug quantity and jury findings was factually incorrect and, alternatively, not cognizable in a § 3582(c)(2) proceeding.

On compassionate release, the panel held that Petitioner had not shown an abuse of discretion in the district court's conclusion that extraordinary and compelling circumstances were absent. Having resolved the case at that threshold, the panel declined to reach Petitioner's § 3553(a) arguments.

Petitioner attempted to seek rehearing, emphasizing the distinction between § 848(a) and § 848(b) and the amended § 1B1.13 framework. The Fifth Circuit Clerk advised on August 14, 2026, that no action would be taken because the Rule 40 filing period had expired.

REASONS FOR GRANTING THE WRIT

I. The petition presents an important threshold question about identifying the statute that actually governs a sentence-reduction proceeding.

The panel's § 3582(c)(2) holding depends on a single dispositive premise: that Petitioner's life sentence was required by § 848(b). If that premise is correct, a retroactive Guidelines amendment cannot lower a statutory mandatory minimum. If it is not correct, the Guidelines analysis changes materially.

The question presented is therefore antecedent to the ordinary limits on § 3582(c)(2). Petitioner does not ask the Court to conduct a new trial in a sentence-modification proceeding. He asks whether a court may deny eligibility on the ground that a statutory minimum controls without determining from the existing record that the statutory minimum actually governed the sentence.

That distinction matters beyond this case. Sentence-modification proceedings often require courts to identify the operative statutory minimum before applying U.S.S.G. § 1B1.10 and a retroactive amendment. A rule permitting courts simply to assume the applicability of an enhanced statutory minimum risks converting a limited sentence-modification inquiry into a conclusory one.

II. The decision should be reviewed because the mandatory-life characterization implicates the constitutional rule governing facts that increase legally authorized punishment.

Apprendi v. New Jersey, 530 U.S. 466, 490 (2000), established the general rule that, other than a prior conviction, a fact that increases the penalty beyond the otherwise authorized maximum must be submitted to a jury and proved beyond a reasonable doubt. Petitioner's point is narrower than a freestanding collateral attack under Apprendi. The question is whether facts necessary to identify § 848(b) as the controlling mandatory-life provision were actually established in the existing record before that provision is used to defeat § 3582(c)(2) eligibility.

The Fifth Circuit answered the factual contention in one sentence and then stated, alternatively, that the issue was not cognizable in a § 3582(c)(2) proceeding. That alternative holding leaves unresolved how a sentence-modification court is supposed to determine which statutory

sentencing provision controls when the applicability of the asserted mandatory minimum is itself disputed.

Review is warranted to clarify the boundary between impermissibly reopening a conviction and necessarily identifying the statute that governs the sentence being modified.

III. The compassionate-release question concerns the proper application of the Sentencing Commission's amended policy statement to unusually long sentences.

The Sentencing Commission materially revised U.S.S.G. § 1B1.13 effective November 2023 and made the policy statement applicable to defendant-filed compassionate-release motions. Petitioner's request was cumulative and individualized. It invoked the unusual length of his sentence, decades of incarceration, rehabilitation, age-related circumstances, sentencing disparity, and intervening Guidelines developments.

The panel affirmed at the extraordinary-and-compelling-reasons step and did not reach the § 3553(a) arguments. The question is whether that abbreviated treatment adequately addresses a motion that invokes multiple categories and circumstances recognized by the current policy statement.

The Court's review would provide needed guidance on how lower courts should evaluate cumulative circumstances under the amended policy statement, particularly for prisoners serving sentences imposed decades before the current compassionate-release framework.

IV. This case is an appropriate vehicle.

The issues were presented to the Fifth Circuit in Petitioner's appellate and rehearing filings. The panel expressly relied on § 848(b)'s asserted mandatory-life consequence to reject the § 3582(c)(2) claim and expressly resolved compassionate release at the extraordinary-and-compelling-reasons stage. The questions therefore arise directly from the judgment below.

Petitioner recognizes that certiorari is discretionary and is rarely granted merely to correct a factual error or a misapplication of settled law. The petition instead asks the Court to resolve threshold questions of federal sentencing law: how a court identifies an asserted statutory mandatory minimum in a § 3582(c)(2) proceeding, and how the amended § 1B1.13 framework should be applied to cumulative circumstances in an unusually long sentence.

CONCLUSION

The petition for a writ of certiorari should be granted. In the alternative, the Court should vacate the judgment and remand for consideration under the correct statutory and Guidelines framework.

Respectfully submitted,

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