

**24-556 FERNANDEZ V. UNITED STATES**

DECISION BELOW: 104 F.4th 420

LOWER COURT CASE NUMBER: 22-3122

QUESTION PRESENTED:

Under 18 U.S.C. § 3582(c)(1)(A), a district court has broad discretion to reduce the term of imprisonment in any case if it finds that "extraordinary and compelling reasons warrant such a reduction." The sole limitation Congress placed on that discretion is found in 18 U.S.C. § 994(t), which provides that "[r]ehabilitation of the defendant alone shall not be considered an extraordinary and compelling reason." In reversing the district court's grant of compassionate release to Joe Fernandez, the Second Circuit held that it was an abuse of discretion for the court to have considered evidence bearing on Fernandez's potential innocence as well to have found a disparity in sentences between Fernandez and several of his co-defendants who were cooperating witnesses. That decision was contrary to decisions of the First and Ninth Circuits, which have each held that district courts are not restricted with respect to matters they may consider under 18 U.S.C. § 3582(c)(1)(A) other than as set forth by Congress. The question presented is:

Whether the Second Circuit erred in recognizing extra-textual limitations on what information a court may consider when determining whether there exist extraordinary and compelling reasons warranting a sentence reduction under 18 U.S.C. § 3582(c)(1)(A).

THE PETITION FOR A WRIT OF CERTIORARI IS GRANTED LIMITED TO THE FOLLOWING QUESTION: WHETHER A COMBINATION OF "EXTRAORDINARY AND COMPELLING REASONS" THAT MAY WARRANT A DISCRETIONARY SENTENCE REDUCTION UNDER 18 U. S. C. §3582(c)(1)(A) CAN INCLUDE REASONS THAT MAY ALSO BE ALLEGED AS GROUNDS FOR VACATUR OF A SENTENCE UNDER 28 U. S. C. §2255.

CERT. GRANTED 5/27/2025