

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-10615
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JULIO RODRIGUEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:03-cr-20759-JEM-3

Before ROSENBAUM, GRANT, and ABUDU, Circuit Judges.

PER CURIAM:

Julio Rodriguez, a federal prisoner proceeding *pro se*, appeals the district court's denial of his motions for compassionate release

under 18 U.S.C. § 3582(c)(1)(A).¹ After careful review, we conclude the district court did not err in denying Rodriguez’s requests for relief. Accordingly, we affirm.

I. FACTUAL BACKGROUND & PROCEDURAL HISTORY

In September 2003, a grand jury indicted Rodriguez for: conspiracy to possess with intent to distribute five kilograms or more of a mixture or substance containing a detectable amount of cocaine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A) & 846 (“Count One”); conspiracy to commit Hobbs Act robbery, in violation of 18 U.S.C. § 1951(a), (b)(1) & (b)(3) (“Count Two”); and conspiracy to use, carry, and brandish a firearm during and in relation to a crime of violence and a drug-trafficking crime and to possess a firearm in furtherance of a crime of violence and a drug-trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A) & (o) (“Count Three”). The government filed a notice of its intent to enhance Rodriguez’s sentence for Count One, under 21 U.S.C. § 841(b) & 851, to a mandatory minimum of life imprisonment based on his prior Florida felony drug convictions.

After a five-day jury trial, a jury convicted Rodriguez on all counts. The district court later sentenced Rodriguez to a total term

¹ While Section 3582(c)(1) does not use the term “compassionate release,” we use the statutory citation and that phrase interchangeably. *See, e.g., Concepcion v. United States*, 597 U.S. 481, 495 (2022) (noting that § 3582(c)(1)(A) “permit[s] district courts to grant compassionate release in certain circumstances”).

of life imprisonment. Rodriguez appealed, but we affirmed his convictions and sentences. *United States v. Rodriguez*, 159 F. App'x 900, 902 (11th Cir. 2005) (unpublished).²

In January 2024, Rodriguez filed two motions for compassionate release under 18 U.S.C. § 3582(c)(1)(A). In his motions, Rodriguez argued that he had “health problems”; he had been rehabilitated; and—relevant to his argument on appeal—the government no longer prosecutes reverse sting operations, the type of operation for which he was convicted.³ He also argued that his sentence is unusually long under U.S.S.G. § 1B1.13(b)(6), and that he would have received a much shorter sentence if he were sentenced today. He contended that the § 3553(a) factors favored his early release because of his rehabilitation and the facts that: his offense was for a reverse sting operation, he had no record of similar

² Since 2005, Rodriguez has unsuccessfully sought post-conviction relief on several occasions. See, e.g., *Rodriguez v. United States*, No. 20-22626, 2021 WL 7287020, at *1 (S.D. Fla. July 1, 2021); *Rodriguez v. United States*, No. 21-12937, 2021 WL 7285899, at *2 (11th Cir. Dec. 7, 2021), *cert. denied*, 142 S. Ct. 1434 (2022) (mem.).

³ For further discussion and critique of “reverse sting operations” see, e.g., Molly F. Spakowski, *Crafted from Whole Cloth: Reverse Stash-House Stings and the Sentencing Factor Manipulation Claim*, 67 BUFF. L. REV. 451, 456–60 (2019), and *United States v. Kindle*, 698 F.3d 401, 414–15 (7th Cir. 2012) (Posner., J., concurring and dissenting), *vacated on reh’g sub nom. United States v. Mayfield*, 771 F.3d 417, 419–20 (7th Cir. 2014) (*en banc*). As the government notes, notwithstanding any criticisms of “reverse sting operations,” and even assuming the government has stopped prosecuting them, we have consistently held that they are lawful. See *United States v. Cannon*, 987 F.3d 924, 942 (11th Cir. 2021); *United States v. Ciszkowski*, 492 F.3d 1264, 1271 (11th Cir. 2007).

crimes, he was not present during the robbery, and he suffered health problems as a 60-year-old. He also argued that there was a disparity in his sentence because the government was no longer prosecuting reverse sting operations. Rodriguez attached records to his motions which showed that he had administratively exhausted his claims.

After the government's response in opposition, as well as a response by the Probation Office, the district court denied Rodriguez's motions in a single order, noting that his two motions were nearly identical. The district court, citing the presentence investigation report prepared for Rodriguez's original sentencing, found that the § 3553(a) factors "strongly disfavor[ed]" his release and that Rodriguez had not shown he was no longer a danger to the community. The court noted Rodriguez's "extensive violent criminal history, including twelve convictions in Florida State courts and 20 additional arrests" and explained that many of those arrests involved violence. The court explained that "[e]ven incarceration has not stopped [Rodriguez's] misconduct," as he had "amasse[d]" approximately 31 disciplinary actions, many involving fighting or possession of a dangerous weapon." It also concluded that Rodriguez's sentence was necessary to reflect the seriousness of his offense, to afford adequate deterrence, and to protect the public. Rodriguez appealed.

II. STANDARD OF REVIEW

"We review *de novo* whether a defendant is eligible for a sentence reduction under 18 U.S.C. § 3582(c)(1)(A)." *United States v.*

25-10615

Opinion of the Court

5

Giron, 15 F.4th 1343, 1345 (11th Cir. 2021). “After eligibility is established, we review the district court’s denial of a prisoner’s § 3582(c)(1)(A) motion for an abuse of discretion.” *Id.*

The abuse of discretion standard is deferential, as it “allows for a ‘range of choice for the district court,’ as long as that choice is not a ‘clear error of judgment.’” *United States v. Beaufls*, 160 F.4th 1147, 1163 (11th Cir. 2025) (quoting *Rasbury v. IRS (In re Rasbury)*, 24 F.3d 159, 168 (11th Cir. 1994)). Yet a district court can abuse its discretion by misapplying the law or reaching a decision based on clearly erroneous findings of facts. *Id.* (citing *United States v. Scrushy*, 721 F.3d 1288, 1303 (11th Cir. 2013)). When considering the sentencing factors, a district court can abuse its discretion by “(1) failing to properly consider a relevant sentencing factor that was due significant weight, (2) giving significant weight to a factor that was not relevant, or (3) committing a clear error of judgment by weighing the sentencing factors unreasonably.” *United States v. Butler*, 39 F.4th 1349, 1356 (11th Cir. 2022); see also *United States v. Irey*, 612 F.3d 1160, 1189 (11th Cir. 2010) (*en banc*).

In applying these standards, we liberally construe the filings of *pro se* parties. *United States v. Webb*, 565 F.3d 789, 792 (11th Cir. 2009); *Wright v. Newsome*, 795 F.2d 964, 967 (11th Cir. 1986).

III. DISCUSSION

On appeal, Rodriguez makes three distinct arguments. First, he argues the district court erred in concluding his two motions were substantially similar. He argues that his second motion raised a different issue—whether the government is now prosecuting

stash house stings—and, therefore, presented an issue about disparity, relevant to the § 3553(a) factors. Rodriguez contends that the court’s failure to consider this new argument violated his right to a decision not based on an “invalid premise[]” or “inaccurate information.” Second, Rodriguez argues that the district court abused its discretion by failing to adequately consider the § 3553(a) factors. He contends that his original sentencing judge would have exercised her discretion to vary below a life sentence, and he argues that the district court judge who ruled on his compassionate release motions failed to consider his original sentencing judge’s view of the case. Third, Rodriguez argues that the district court erred in assessing the factors addressing dangerousness, under 18 U.S.C. § 3142(g).⁴

Section 3582(c)(1)(A) gives a district court authority to reduce a defendant’s sentence where three conditions are present: “(1) the § 3553(a) sentencing factors favor doing so, (2) there are ‘extraordinary and compelling’ reasons for doing so, and . . . , (3) doing so wouldn’t endanger any person or the community within the meaning of [U.S.S.G.] § 1B1.13’s policy statement.” *United States v. Tinker*, 14 F.4th 1234, 1237 (11th Cir. 2021) (quoting

⁴ For reasons we explain below, we need not address this argument, so we do not summarize it in detail. See *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (“As a general rule courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach.”).

18 U.S.C. § 3582(c)(1)(A))⁵; *see also United States v. Bryant*, 996 F.3d 1243, 1249–50 (11th Cir. 2021), *superseded in part on other grounds by* U.S.S.G. § 1B1.13 (2023). Because all three conditions are necessary, the absence of any one condition forecloses a sentence reduction. *Tinker*, 14 F.4th at 1237–38, 1240.

An order granting or denying compassionate release under § 3582(c)(1)(A) generally must show the district court has considered “all applicable § 3553(a) factors.” *United States v. Cook*, 998 F.3d 1180, 1184–85 (11th Cir. 2021). Even so, “a ‘district court need not exhaustively analyze’ each § 3553(a) factor or articulate its findings in great detail,” and an acknowledgment by the court that it has considered the § 3553(a) factors and the parties’ arguments is ordinarily sufficient. *Tinker*, 14 F.4th at 1241 (quoting *Cook*, 998 F.3d at 1184–85). Though the district court must consider all relevant § 3553(a) factors, “the weight given to each factor is committed to the sound discretion of the district court,” and it may attach great weight to one over the others. *Butler*, 39 F.4th at 1355.

Section 3553(a)’s “statutory command” is that any sentence must be “sufficient, but not greater than necessary, to comply with the purposes” of punishment. *Hewitt v. United States*, 606 U.S. 419, 435 (2025) (citing 18 U.S.C. § 3553(a)). These purposes include the need for the sentence “to reflect the seriousness of the offense,” deter criminal conduct, “protect the public” from the defendant’s

⁵ With respect to the third prong, § 1B1.13 instructs courts to determine whether a “defendant is not a danger to the safety of any other person or to the community, as provided in 18 U.S.C. § 3142(g).” U.S.S.G. § 1B1.13(a)(2).

future crimes, and provide the defendant with needed training or treatment. 18 U.S.C. § 3553(a)(2)(A)–(D). In imposing a particular sentence, the court must also consider the offense’s “nature and circumstances,” the defendant’s “history and characteristics,” the “kinds of sentences available,” the applicable guideline range, Sentencing Commission policy statements, “the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct,” and “the need to provide restitution to any” victims. *Id.* § 3553(a)(1), (3)–(7).

Because all three conditions under § 3582(c)(1)(A) are necessary for Rodriguez to prevail, *Tinker*, 14 F.4th at 1237–38, 1240, we limit our discussion to the district court’s analysis of the § 3553(a) factors.⁶ On that front, we conclude the district court did not abuse its discretion, for several reasons, so we affirm.

First, we reject Rodriguez’s contention that the district court’s explanation for its § 3553(a) ruling was insufficient. The district court made clear in its order that it had considered the § 3553(a) factors. *See Tinker*, 14 F.4th at 1241. Our caselaw does not require more than such an acknowledgment, so long as we are able to undertake meaningful appellate review of the district court’s reasoning. *Id.*; *see United States v. Johnson*, 877 F.3d 993, 998

⁶ We, therefore, need not reach Rodriguez’s argument about 18 U.S.C. § 3142(g), which is relevant to a different prong of the compassionate release analysis. *See* U.S.S.G. § 1B1.13(a)(2); *Tinker*, 14 F.4th at 1237, 1240; *Bagamasbad*, 429 U.S. at 25.

(11th Cir. 2017). On these facts, we can undertake meaningful appellate review of the § 3553(a) factors because the district court identified and stressed several relevant factors. These include the district court’s conclusions that Rodriguez was a danger to the community, *see* 18 U.S.C. § 3553(a)(2)(C), he had a lengthy and violent criminal history, *id.* § 3553(a)(1), he had multiple disciplinary violations while incarcerated, *id.*, and that reducing his sentence would fail to reflect the seriousness of Rodriguez’s offense, afford adequate deterrence, and protect the public, *see id.* § 3553(a)(2)(A)–(C). These factors show why the district court reached the result it did, and we, therefore, can review those factors and the district court’s conclusions about them. *Tinker*, 14 F.4th at 1241; *Johnson*, 877 F.3d at 998.

Second, Rodriguez has not shown that the district court relied on erroneous information in denying his motions. By all indications, the court relied on the PSI which was prepared in advance of Rodriguez’s sentencing. While Rodriguez argues that the district court erred by concluding that his two motions were “nearly identical,” he has not shown that the district court did not consider the arguments he made in both motions. Instead, after the court noted they were “nearly identical,” it then noted that it “address[ed] them both” in its order. There is no indication in the order that the district court overlooked—as opposed to rejected—Rodriguez’s disparity argument because it was in the later-filed motion. *Cf. United States v. Amedeo*, 487 F.3d 823, 833 (11th Cir. 2007)

(explaining that a sentencing court’s “failure to discuss . . . ‘mitigating’ evidence” does not indicate that the court “erroneously ‘ignored’ or failed to consider th[e] evidence”).

Third, the district court did not abuse its discretion in denying Rodriguez relief under the § 3553(a) factors. The factors which the court identified—which are listed above—support the court’s denial of relief, even if Rodriguez can point to countervailing factors. See *Tinker*, 14 F.4th at 1241 (“The weight given to any specific § 3553(a) factor is committed to the sound discretion of the district court.” (quoting *United States v. Croteau*, 819 F.3d 1293, 1309 (11th Cir. 2016))); *Butler*, 39 F.4th at 1355. Rodriguez’s prior convictions and his disciplinary history in prison—which the district court highlighted—were permissible and highly relevant factors in an appropriate weighing of the relevant § 3553(a) factors. See *Butler*, 39 F.4th at 1355–56 (“[D]istrict courts are afforded ‘broad leeway in deciding how much weight to give to prior crimes the defendant has committed.’” (quoting *United States v. Rosales-Bruno*, 789 F.3d 1249, 1261 (11th Cir. 2015) (Opinion of E. Carnes, C.J.))).

Finally, Rodriguez has not shown the district court erred by failing to address the prior district court’s view of the case, as no precedent requires a district court to defer to a prior district court’s weighing of the § 3553(a) factors in this context. Indeed, precedent suggests that a district court judge, in ruling on a post-conviction motion, should weigh the § 3553(a) factors anew, in light of any new evidence and developments—not bound by a prior district court judge’s view of the record at an earlier stage in the case. See

25-10615

Opinion of the Court

11

Concepcion, 597 U.S. at 486 (explaining that a court considering the § 3553(a) factors should “consider[] the defendant on that day, not on the date of his offense or the date of his conviction” (citing *Pepper v. United States*, 562 U.S. 476, 492 (2011))); *see also* *Pepper*, 562 U.S. at 491 (explaining that “evidence of postsentencing [conduct] may be highly relevant to several of the § 3553(a) factors that Congress has expressly instructed district courts to consider at sentencing”).

For these reasons, Rodriguez has not shown the district court “fail[ed] to properly consider a relevant sentencing factor that was due significant weight,” or gave “significant weight to a factor that was not relevant” *Butler*, 39 F.4th at 1356. The district court also did not “commit[] a clear error of judgment by weighing the sentencing factors unreasonably.” *Id.* Accordingly, we affirm the district court’s denial of Rodriguez’s motions for compassionate release, based on the § 3553(a) factors.

IV. CONCLUSION

For the reasons we have explained, we affirm the district court’s denial of Rodriguez’s motions for compassionate release.

AFFIRMED.