

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-12087
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DEMETRIUS RENALDO BOWERS,

a.k.a. Fat Cat Bowers,

a.k.a. Casino Bowers,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:12-cr-00550-MSS-TGW-1

Before JORDAN, LUCK, and KIDD, Circuit Judges.

PER CURIAM:

Demetrius Bowers appeals the district court’s partial denial of his compassionate release motion under 18 U.S.C. section 3582(c)(1)(A)(i). The district court reduced his total sentence from 2,324 months’ imprisonment to 749 months’ imprisonment, but Bowers argues that wasn’t enough. After careful review, we affirm.

I.

A jury convicted Bowers of eight counts of Hobbs Act robbery, *see* 18 U.S.C. section 1951(a), and eight counts of brandishing a firearm during and in relation to a crime of violence, *see* 18 U.S.C. section 924(c)(1)(A)(ii). Bowers would find fast-food restaurants late at night and break in by throwing a brick or block through a glass door or window. *United States v. Bowers*, 811 F.3d 412, 416–21, 430 (11th Cir. 2016). Wearing a ski mask and gloves, and brandishing a pistol, he would demand the employees to put money in a bag and then flee. *Id.* For his crimes, the district court sentenced him to 2,324 months’ imprisonment—a 140-month term for the Hobbs Act robbery counts and a consecutive 182-year term for the section 924(c) counts. Bowers appealed his convictions and sentence, and we affirmed. *Id.*

That was in 2013. After the First Step Act, Bowers moved for compassionate release under section 3582(c)(1)(A)(i), arguing that the “enormous disparity” between his sentence and the sentence he would have received following the Act’s elimination of “stacking” section 924(c) convictions constituted an “extraordinary and compelling” reason to warrant a sentence reduction, and that

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he was otherwise eligible for relief. The district court partly granted his motion. It agreed with Bowers that he had presented extraordinary and compelling reasons supporting relief and he did not pose a danger to the community. But it did not reduce Bowers's sentence to the 153 months he requested, finding that the sentence he would receive at the time of his motion was more appropriate after considering the 18 U.S.C. section 3553(a) factors.

At the time Bowers was sentenced, the district court explained, each additional section 924(c) offense after the first, including those charged in the same indictment, required a mandatory consecutive twenty-five-year sentence. But at the time of the compassionate release motion, each of his section 924(c) offenses for brandishing would have required only a mandatory consecutive seven-year sentence. *See Hewitt v. United States*, 606 U.S. 419, 424 (2025) (explaining that “district court judges are *not* required to impose stacked 25-year sentences when sentencing first-time § 924(c) offenders”); *see also* 18 U.S.C. § 924(c)(1)(A)(ii) (seven-year minimum for brandishing). The district court thus explained that, considering the severity of Bowers's conduct and the evidence against him, and despite some factors that weighed in his favor, the section 3553(a) factors supported a sentence reduction from 2,324 to 749 months' imprisonment—the same sentence the district court would have pronounced if it were sentencing him for the first time.

Bowers moved the district court to reconsider his motion, maintaining that a 153-month sentence was more appropriate. The district court denied the motion, explaining that Bowers had not

identified a change in law, manifest error, or other basis for seeking reconsideration.

II.

We review for abuse of discretion the denial of a compassionate release motion. *United States v. Giron*, 15 F.4th 1343, 1345 (11th Cir. 2021). We also review for abuse of discretion the denial of a motion for reconsideration. *United States v. Simms*, 385 F.3d 1347, 1356 (11th Cir. 2004). “A district court abuses its discretion if it applies an incorrect legal standard, follows improper procedures in making its determination, or makes clearly erroneous factual findings.” *Giron*, 15 F.4th at 1345. “We liberally construe pro se filings.” *Winthrop-Redin v. United States*, 767 F.3d 1210, 1215 (11th Cir. 2014) (citation modified).

III.

A district court lacks “inherent authority” to modify a prisoner’s sentence. *Id.* Instead, it “may do so ‘only when authorized by a statute or rule.’” *Giron*, 15 F.4th at 1345 (quoting *United States v. Puentes*, 803 F.3d 597, 606 (11th Cir. 2015)). The compassionate release statute—section 3582(c)(1)(A)—is an authorized statute. Under section 3582(c)(1)(A), a prisoner must show: (1) extraordinary and compelling reasons to reduce his sentence; (2) that a reduction would be consistent with the Sentencing Commission’s policy statements; and (3) that the section 3553(a) factors weigh in favor of a reduction. *Id.* (citing U.S.S.G. § 1B1.13). “Because all three conditions . . . are necessary, the absence of even one would

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foreclose a sentence reduction.” *United States v. Tinker*, 14 F.4th 1234, 1237–38 (11th Cir. 2021).

Bowers contends that the district court abused its discretion in applying the section 3553(a) factors and that he was entitled to an even larger sentence reduction than the district court gave him. We disagree. Here, the district court used the section 3553(a) factors to “impose a sentence sufficient, but not greater than necessary,” to meet the purposes of sentencing.¹ 18 U.S.C. § 3553(a).

The district court then carefully considered the section 3553(a) factors. It: explained the nature and circumstances of Bowers’s conduct as “serious”; reviewed the kinds of sentences available, including by summarizing Congress’s recent changes to section 924(c); discussed the changing approach to Hobbs Act robbery convictions under the sentencing guidelines; summarized and applied the Sentencing Commission’s changes to the relevant policy statements; and (5) considered unwarranted sentencing disparities

¹ Those purposes include the need for the sentence: (1) “to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense”; (2) “to afford adequate deterrence to criminal conduct”; (3) “to protect the public from further crimes of the defendant; and” (4) “to provide the defendant with needed education or vocational training, medical care, or other correctional treatment in the most effective manner.” 18 U.S.C. § 3553(a)(2). To determine whether a sentence achieves those purposes courts ought to consider: (1) the nature and circumstances of the offense and the defendant’s history and characteristics; (2) the kinds of sentences available; (3) the sentencing guidelines; (4) relevant policy statements; (5) the need to avoid unwarranted sentence disparities among similar defendants; and (6) the need to provide restitution to any victims of the offense. *See id.* § 3553(a).

stemming from Bowers’s sentence and defendants sentenced after the First Step Act.

Though it found that some of the factors favored Bowers, the district court determined that the balance of the section 3553(a) factors, particularly the seriousness of Bowers’s conduct, warranted a 749-month sentence—the same sentence the district court would have pronounced if it were sentencing him for the first time. Though Bowers may wish that the district court weighed the section 3553(a) factors differently, the “weight given to any specific [section] 3553(a) factor,” here the seriousness of the offense, “is committed to the sound discretion of the district court,” and Bowers does not explain why the district court’s balancing was an abuse of that discretion. *See Tinker*, 14 F.4th at 1241 (citation modified).

The district court also did not abuse its discretion when it denied Bowers’s motion for reconsideration. Although no statute or rule permits motions for reconsideration in a criminal matter, we have nonetheless reviewed such motions. *See United States v. Russell*, 994 F.3d 1230, 1236 (11th Cir. 2021); *see id.* at 1243 n.4 (Branch, J. concurring) (explaining that “a motion for reconsideration of a district court order in a criminal action is not expressly authorized” but “federal district courts necessarily have substantial discretion in ruling on motions for reconsideration,” and may grant such a motion when (1) there has been “an intervening change in controlling law;” (2) “new evidence” is available; or (3) doing so would “correct clear error or prevent manifest injustice.” (citation modified)). Bowers’s motion for reconsideration did not point to

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any special circumstances that warranted reconsideration, and instead merely “ask[ed] the district court to reexamine an unfavorable ruling.” See *Jacobs v. Tempur-Pedic Int’l, Inc.*, 626 F.3d 1327, 1344 (11th Cir. 2010).

On appeal, he argues that the district court made three errors in denying his motion. First, he contends that the district court erred in relying on *Lora v. United States*, 599 U.S. 453 (2023). As Bowers tells it, *Lora* is not relevant to his case because it was primarily about offenses under section 924(j), and it was a case about how a court should perform an original sentencing—not a resentencing under compassionate release. While Bowers is right about what *Lora* held, he’s wrong that the district court “relied” on it in any meaningful way. Instead, the district court cited *Lora* for the uncontroversial proposition that section 924(c) requires consecutive rather than concurrent sentences. See *id.* at 457 (“Subsection (c) also provides that ‘no term of imprisonment imposed on a person under this subsection shall run concurrently with any other term of imprisonment imposed on the person.’” (quoting 18 U.S.C. § 924(c)(1)(D)(ii))). And the district court’s purpose in highlighting this feature of section 924(c) was to explain what sentence Bowers might have received if he were sentenced at the time his motion was being considered—exactly what the guidelines asked the district court to consider. See U.S.S.G. § 1B1.13(b)(6) (explaining that a district court determining if a sentence is unusually long should only consider a change in law “where such change would produce a gross disparity between the sentence being served and the sentence likely to be imposed at the time the motion is filed”).

Second, Bowers argues that the district court erred in using the statutory minimums in section 924(c) instead of considering his individual circumstances and the section 3553(a) factors. A district court abuses its discretion “if the record is ambiguous as to whether the court understood it had the authority to reduce the movant’s sentence.” *Russell*, 994 F.3d at 1239. Here, the district court understood it had the authority to reduce Bowers’s sentence, explained the basis of that authority, and did, in fact, reduce Bowers’s sentence. The district court also did not think it was bound by the statutory minimums in section 924(c). Instead, the district court considered the sentence Bowers would receive if he had been sentenced at the time of the motion in determining whether he received an unduly harsh sentence, *see* U.S.S.G. section 1B1.13(b)(6), and as one of the section 3553(a) factors it weighed, *see* 18 U.S.C. § 3553(a)(3).

Finally, Bowers asserts that the district court erred in deferring consideration of his motion until after the Supreme Court denied certiorari in *United States v. Bryant*, 996 F.3d 1243 (11th Cir.), *cert. denied*, 142 S. Ct. 583 (2021), *superseded in part by* U.S.S.G. § 1B1.13 (2023). But the district court enjoys “broad discretion to stay proceedings as an incident to its power to control its own docket.” *Clinton v. Jones*, 520 U.S. 681, 706 (1997). And the delay benefited Bowers. When Bowers filed his motion, we had already decided *Bryant*. There, we determined that the then-existing version of the guidelines did allow an “unusually long sentence” as an “extraordinary and compelling reason” warranting compassionate release. *Bryant*, 996 F.3d at 1264–65. So his motion would have

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been denied after *Bryant*. By waiting until after the guidelines were amended, an “unusually long sentence” became a possible extraordinary and compelling reason allowing a reduction under section 3582(c)(1)(A). See U.S.S.G. § 1B1.13(b)(6).²

IV.

For these reasons, we affirm the partial denial of Bowers’s compassionate release motion.

AFFIRMED.

² While the government did not cross appeal the district court’s determination that extraordinary and compelling reasons supported Bowers’s motion, the Supreme Court has since determined that Bowers’s reasons are not extraordinary and compelling. See *Rutherford v. United States*, 146 S. Ct. 1320, 1330 (2026) (“The disparity created by Congress’s amendment to [section] 924(c) does not satisfy t[he] definition [of extraordinary and compelling reasons]” in 18 U.S.C. § 3582(c)(1)(A)(i).). Again, Bowers benefitted from the district court staying consideration of his motion until the sweet spot between the amendment of the guidelines to allow consideration of an “unusually long sentence” and *Rutherford*.