

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-12242
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RICARDO VERDIN-CASTRO,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:19-cr-00589-WFJ-AEP-2

Before ROSENBAUM, LUCK, and LAGOA, Circuit Judges.

PER CURIAM:

Ricardo Verdin-Castro appeals the denial of his 18 U.S.C. § 3582(c)(2) motion for a sentence reduction based on the retroactive application of Amendment 821 to the Sentencing Guidelines.

He argues that the district court abused its discretion in denying relief under the 18 U.S.C. § 3553(a) factors when it failed to give enough weight to his mitigating evidence, including his difficult upbringing and excellent post-incarceration behavior. After careful review, we affirm.

I.

In October 2020, Verdin-Castro pled guilty to conspiracy to distribute and possess with intent to distribute five or more kilograms of cocaine, and possession with intent to distribute five or more kilograms of cocaine, while aboard a vessel subject to United States jurisdiction, in violation of 46 U.S.C. §§ 70503(a) and 70506(a) & (b). According to undisputed facts in the presentence investigation report (“PSR”), Verdin-Castro participated in trafficking 708 kilograms of cocaine in international waters as the captain of a refueling boat for a go-fast vessel transporting the cocaine. He was apprehended with his crew onboard the go-fast vessel after the refueling boat had engine trouble.

In February 2021, the district court sentenced Verdin-Castro to 120 months of imprisonment. The court varied downward from the guideline range of 135 to 168 months, citing his impoverished background and the need to avoid unwarranted disparities.

In March 2024, Verdin-Castro filed a *pro se* motion for a sentence reduction under 18 U.S.C. § 3582(c)(2) based on Amendment 821. In relevant part, Amendment 821 added a two-level decrease for defendants with no criminal-history points who meet certain other criteria. *See* U.S.S.G. § 4C1.1. The district court appointed

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counsel, and Verdin-Castro filed a renewed, unopposed motion through appointed counsel in May 2025.

In the counseled motion, Verdin-Castro asserted that Amendment 821 reduced his total offense level from 33 to 31, for a resulting amended guideline range of 108 to 135 months. He argued that a reduction to 108 months was supported by the 18 U.S.C. § 3553(a) factors, citing his lack of criminal history, acceptance of responsibility, impoverished background, and “almost spotless disciplinary record” in prison.

In June 2025, the district court denied Verdin-Castro a sentence reduction. The court acknowledged that he was eligible for a reduction based on Amendment 821 and that his amended guideline range was 108 to 135 months. But the court found that the § 3553(a) factors did not support a reduction, citing the nature and circumstances of the offense. The court explained that Verdin-Castro participated in a “vast drug smuggling venture” involving 708 kilograms of cocaine, and that any further reduction would not reflect the seriousness of the offense, promote respect for the law, or afford adequate deterrence. The court also noted that Verdin-Castro “had a disciplinary violation in prison,” which did “not support a further reduction,” and that he would “most likely be deported to Mexico upon release.”

II.

We review a district court’s decision whether to reduce an eligible defendant’s sentence under 18 U.S.C. § 3582(c)(2) for abuse of discretion. *United States v. Caraballo-Martinez*, 866 F.3d 1233,

1238 (11th Cir. 2017). “In applying the abuse of discretion standard, we recognize that a district court has a range of choice, . . . and so long as its decision does not amount to a clear error of judgment we will not reverse even if we would have gone the other way had the choice been ours to make.” *United States v. Campbell*, 491 F.3d 1306, 1310 (11th Cir. 2007) (cleaned up).

A district court may reduce a defendant’s prison term if the sentence is “based on a sentencing range that has subsequently been lowered by the Sentencing Commission.” 18 U.S.C. § 3582(c)(2). Amendment 821, among other things, added U.S.S.G. § 4C1.1, entitled “Adjustment for Certain Zero-Point Offenders.” See U.S.S.G. Supp. App. C, amend. 821, pt. B, subp. 1. The new guideline provides for a two-level decrease in a defendant’s offense level if the defendant does not receive any criminal-history points and satisfies various other criteria. See U.S.S.G. § 4C1.1(a). That part of § 4C1.1(a) was made retroactively applicable under § 1B1.10(d). See U.S.S.G. Supp. app. C, amend. 825.

In considering a § 3582(c)(2) motion for a sentence reduction, a district court engages in a two-step process. *United States v. Williams*, 557 F.3d 1254, 1256–57 (11th Cir. 2009); *United States v. Bravo*, 203 F.3d 778, 780–81 (11th Cir. 2000). First, the court recalculates the amended guideline range that would have applied had the retroactive guideline amendment been in effect at sentencing. *Williams*, 557 F.3d at 1256. Then, “the court must consider the sentencing factors listed in 18 U.S.C. § 3553(a), as well as public safety

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considerations, and may consider the defendant’s post-sentencing conduct.” *Id.*

But the district court’s “decision whether to reduce the defendant’s sentence, and to what extent, remains discretionary.” *Id.* at 1256–57. “A district court abuses its discretion when it (1) fails to afford consideration to relevant factors that were due significant weight, (2) gives significant weight to an improper or irrelevant factor, or (3) commits a clear error of judgment in considering the proper factors.” *United States v. Sotelo*, 130 F.4th 1229, 1244 (11th Cir. 2025) (quotation marks omitted). Yet the “court does not have to give all the factors equal weight, and it has discretion to attach great weight to one factor over others.” *United States v. Olson*, 127 F.4th 1266, 1276 (11th Cir. 2025) (quotation marks omitted).

Verdin-Castro argues that the district court committed a clear error of judgment in balancing the § 3553(a) factors. He contends that the court focused solely on the nature and circumstances of the offense and failed to give sufficient weight to mitigating factors and the amended guideline range.

Here, Verdin-Castro has not shown that the district court abused its considerable discretion. The court expressly considered the nature and circumstances of the offense and the need for the sentence to reflect the seriousness of the offense conduct, to provide just punishment, and to deter criminal conduct. The court also referenced Verdin-Castro’s amended guideline range and his arguments in mitigation, even if it wasn’t persuaded that they warranted a reduction in sentence. *See Concepcion v. United States*, 597

U.S. 481, 501 (2022) (stating that the court is “not required to be persuaded by every argument parties make, and it may, in its discretion, dismiss arguments that it does not find compelling without a detailed explanation”).

“The weight to be assigned to any one factor falls squarely within the district court’s broad sentencing discretion.” *Olson*, 127 F.4th at 1277. The district court acted within its broad discretion by assigning great weight to the need for Verdin-Castro’s sentence to reflect the seriousness of his offense. *See id.* at 1276.

Finally, we agree with Verdin-Castro that his immigration status is not relevant to an assessment of the § 3553(a) factors. *See United States v. Velasquez Velasquez*, 524 F.3d 1248, 1253 (11th Cir. 2008) (holding that a court errs by basing a sentence on “unfounded assumptions regarding an individual’s immigration status or on his personal views of immigration policy”). Nonetheless, he merely argues that the court erred “to the extent” it relied on that fact, not that the court in fact did so. And the record otherwise reflects that the court relied on the nature of the offense to deny a reduction.

For these reasons, we affirm the denial of Verdin-Castro’s § 3582(c)(2) motion based on Amendment 821.

AFFIRMED.