

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-12264
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LUIS ALFREDO SUAREZ ESTUPINAN,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:20-cr-00380-WFJ-AAS-1

Before JILL PRYOR, BRANCH, and LUCK, Circuit Judges.

PER CURIAM:

Luis Alfredo Suarez Estupinan appeals the district court's denial of his motion to reduce his sentence under 18 U.S.C. sec-

tion 3582(c)(2). He argues that the district court made a clearly erroneous factual finding and incorrectly weighed the applicable sentencing factors. After careful review, we affirm.

FACTUAL BACKGROUND AND PROCEDURAL HISTORY

On December 2, 2020, a military patrol plane spotted Estupinan and two crewmates aboard a go-fast boat in international waters south of Panama. Suspecting the boat of trafficking narcotics, the United States Coast Guard dispatched a helicopter to intercept it. When the crew refused an order to stop, the helicopter shot out the boat's engine. The helicopter then observed Estupinan and his two crewmates throwing bales of cocaine overboard. The Coast Guard marked the location of the dropped bales and sent a boat to retrieve them. After boarding the boat and arresting the crew, the Coast Guard recovered eight bales containing about 187 kilograms of cocaine from the water surrounding the boat.

Estupinan was charged with and pleaded guilty to one count of conspiracy to possess with intent to distribute five kilograms or more of cocaine. *See* 46 U.S.C. §§ 70503(a), 70506(a), (b). In advance of sentencing, the United States Probation Office prepared a presentence investigation report, which assigned Estupinan an advisory guideline range of 108 to 135 months' imprisonment based on a total offense level of 31 and a criminal history category of I. The government then moved for a two-level downward departure to lower Estupinan's guideline range to 87 to 108 months' imprisonment because he had provided substantial assistance to the government's investigation. *See* U.S.S.G § 5K1.1; 18 U.S.C. § 3553(e).

25-12264

Opinion of the Court

3

The district court granted the motion and sentenced Estupinan to 87 months' imprisonment.

In 2024, the probation office reported to the district court that Estupinan was eligible for a sentence reduction under Amendment 821 to the United States Sentencing Guidelines. His new guideline range after the amendment was 70 to 87 months' imprisonment.¹ Estupinan filed a motion for a sentence reduction under 18 U.S.C. section 3582(c)(2), requesting a low-end sentence of 70 months' imprisonment, arguing that he had no prior criminal history, had completed over 552 hours of education courses while incarcerated, had a partner and two children in Colombia, and would not pose a danger to the public once released.

The district court denied the motion. Although Estupinan was “not a danger to the community” and had a “stellar” prison record, the section 3553(a) “sentencing factors . . . militate[d] against a reduction.” The district court explained that “[t]his was a large cocaine smuggling case where [Estupinan] and his colleagues resisted arrest, requiring the Coast Guard to shoot out the engines on their vessel” and “[t]hey benefited from the obstruction because

¹ Amendment 821 introduced a new retroactive sentencing guideline, U.S.S.G. § 4C1.1, that reduces a defendant's offense level by two if the defendant (1) “did not receive any criminal history points”; and (2) meets ten other criteria enumerated in U.S.S.G. section 4C1.1(a). See U.S.S.G. supp. app. C, amend. 821 (2023); U.S.S.G. supp. app. C, amend. 825 (2023). There is no dispute that Estupinan was eligible for a sentence reduction under Amendment 821.

it enabled them to jettison contraband,” with “only 187 kilos of cocaine [] recovered.” A sentence reduction, the district court continued, would not serve the other goals of section 3553(a), including the need for the sentence to “reflect the seriousness of the offense,” “promote respect for the law,” and afford adequate deterrence to criminal conduct.

STANDARD OF REVIEW

We review for abuse of discretion a district court’s denial of a sentence reduction under section 3582(c)(2). *United States v. Caraballo-Martinez*, 866 F.3d 1233, 1238 (11th Cir. 2017). “A district court abuses its discretion if it applies an incorrect legal standard, follows improper procedures in making the determination, [] makes findings of fact that are clearly erroneous,” or “commits a clear error of judgment.” *United States v. Harris*, 989 F.3d 908, 911–12 (11th Cir. 2021) (citation modified). “We will find clear error if, after reviewing all the evidence, we are left with the definite and firm conviction that a mistake has been committed.” *United States v. Philossaint*, 141 F.4th 1334, 1339 (11th Cir. 2025) (citation modified).

DISCUSSION

Estupinan argues that the district court abused its discretion in denying his motion for a sentence reduction because it (1) relied on clearly erroneous factual findings, and (2) failed to properly balance the section 3553(a) factors. We disagree.

25-12264

Opinion of the Court

5

A. Factual Findings

First, Estupinan contends that the district court's statement that he "benefitted" from jettisoning the cocaine and that "only 187 kilos of cocaine were recovered" incorrectly implied that the offense involved more cocaine than what was recovered, which the district court incorrectly assumed would make Estupinan's offense level higher. And, he argues, because the district court "based its decision . . . on erroneous information and incorrect assumptions," it abused its discretion in denying his motion to reduce sentence.

Estupinan is mistaken. The district court accurately recounted that Estupinan and his crewmates "resisted arrest, requiring the Coast Guard to shoot out the engines on their vessel" and this "obstruction . . . enabled them to jettison contraband," leaving "only 187 kilos of cocaine □ recovered." This tracked the uncontested facts presented in the presentence investigation report, which indicated that the boat was carrying "at least 187.3 kilograms of cocaine." This suggests that some of the cocaine jettisoned may have been lost—after all, that was the whole point of dumping cocaine into the ocean. The district court therefore fairly inferred that Estupinan and his crewmates "benefitted from the[ir] obstruction," even if they were eventually caught and sentenced based on the 187 kilograms of cocaine recovered.

Estupinan responds that the district court's language also implies an "incorrect assumption" that "his base offense level would have been higher" "had additional cocaine been recovered." That's also wrong. The district court never speculated about a

higher offense level based on unrecovered cocaine and clearly determined Estupinan's offense level based on the 187 kilograms of cocaine recovered, applying the guideline section for an offense involving at least 150 kilograms but less than 450 kilograms or more of cocaine. *See* U.S.S.G. § 2D1.1(a)(5), (c)(2).

Unable to explain how the district court misapplied the sentencing guidelines, Estupinan suggests that the district court's characterization of his conduct as "obstruction" "violate[d] the spirit" of the sentencing guidelines "in relying on obstruction as a reason to deny the motion even though Estupinan had not received" an obstruction enhancement under U.S.S.G. section 3C1.1. This too is mistaken. Under section 3553(a), the district court could consider all conduct relevant to the "nature and circumstances" of the offense, whether or not that conduct resulted in an enhancement. *See* 18 U.S.C. § 3553(a)(1); *see also United States v. Turner*, 626 F.3d 566, 574 (11th Cir. 2010) (finding that a district court may consider conduct relevant to an enhancement under the section 3553(a) factors). Here, it was undisputed that Estupinan attempted to evade arrest and destroy evidence. Estupinan's offense conduct was relevant under the section 3553(a) factors regardless of whether the district court characterized it as "obstruction" or whether the conduct could have supported an obstruction enhancement under section 3C1.1.

B. Section 3553(a) factors

Next, Estupinan argues that the district court abused its discretion by committing a clear error of judgment in balancing the

25-12264

Opinion of the Court

7

section 3553(a) factors because it put too much weight on the nature and circumstances of the offense and not enough on mitigating factors like his first-time offender status and his good behavior in prison. We see no such error.

Under section 3582(c)(2), a district court “may reduce the term of imprisonment” for “a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission . . . after considering the factors set forth in [18 U.S.C.] section 3553(a).” 18 U.S.C. § 3582(c)(2). Section 3553(a), in turn, requires the district court to impose a sentence sufficient, but not greater than necessary” to achieve the purposes of sentencing set out in section 3553(a)(2), including the need for the sentence to “reflect the seriousness of the offense,” “promote respect for the law,” “provide just punishment,” “afford adequate deterrence,” “protect the public from further crimes of the defendant,” and “provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.” *Id.* § 3553(a). To determine whether a sentence achieves these purposes, the district court must consider a variety of factors, including “the nature and circumstances of the offense,” the defendant’s “history and characteristics,” “the kinds of sentences available,” the applicable guideline range, the Commission’s policy statements, “the need to provide restitution to any victims,” and “the need to avoid unwarranted sentencing disparities.” *Id.*

In evaluating the reasonableness of a sentence, we consider “the totality of the circumstances and whether the sentence achieves the sentencing purposes stated in [section] 3553(a).” *United States v. Goldman*, 953 F.3d 1213, 1221–22 (11th Cir. 2020) (citing *Gall v. United States*, 552 U.S. 38, 51 (2007)). A district court “needn’t address each of the [section] 3553(a) factors or all of the mitigating evidence” and the weight accorded to each section 3553(a) factor “is committed” to the district court’s “sound discretion.” *United States v. Tinker*, 14 F.4th 1234, 1241 (11th Cir. 2021) (citation modified).

Here, the district court took into account that Estupinan was “not a danger to the community” and had a “stellar” prison record (including completion of over 550 hours of educational classes and no disciplinary violations) but nevertheless determined that these mitigating conditions did not justify a sentence reduction in light of the totality of circumstances under section 3553(a). *See Goldman*, 953 F.3d at 1221. As the district court explained: (1) the offense involved a large amount of cocaine; (2) Estupinan and his crewmates tried to escape responsibility by fleeing; (3) their flight required the Coast Guard to use force; and (4) their flight enabled them to jettison contraband. The district court therefore concluded that a sentence below 87 months would not achieve the purposes of sentencing because it would not “reflect the seriousness of the offense,” “promote respect for the law,” or “afford adequate deterrence to criminal conduct.” *See* 18 U.S.C. § 3553(a)(2). Because the district court gave due weight to Estupinan’s mitigating arguments and properly weighed the section 3553(a) factors,

25-12264

Opinion of the Court

9

we see no abuse of discretion in its denial of Estupinan's motion to reduce his sentence.

AFFIRMED.