

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-12296
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PEDRO MOISES-MARTINEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:22-cr-00003-WFJ-TGW-2

Before JORDAN, ABUDU, and KIDD, Circuit Judges.

PER CURIAM:

Pedro Moises-Martinez, a federal prisoner, appeals the district court's order denying his motion for a sentence reduction, pursuant to 18 U.S.C. § 3582(c)(2). After careful review, we vacate

the district court's order and remand the case for further proceedings consistent with our opinion.

I. FACTUAL BACKGROUND & PROCEDURAL HISTORY

In December 2021, a maritime patrol aircraft detected a vessel traveling in international waters with packages visible on deck. Following the vessel's detection, its crew, which included Moises-Martinez, jettisoned the packages into the ocean. Subsequently, a Dutch naval ship patrolling nearby launched a helicopter, which ultimately used disabling fire to stop the vessel. The United States Coast Guard ("USCG") then intercepted the vessel, and USCG personnel recovered four bales of cocaine, weighing a total of 110 kilograms, from the ocean.

A grand jury indicted Moises-Martinez with one count of conspiring to possess with the intent to distribute five kilograms or more of cocaine while aboard a vessel subject to the jurisdiction of the United States, in violation of 46 U.S.C. §§ 70503(a), 70506(a)–(b), and 21 U.S.C. § 960(b)(1)(B)(ii) ("Count One"); and one count of possessing with the intent to distribute five kilograms or more of cocaine while aboard a vessel subject to the jurisdiction of the United States, in violation of 46 U.S.C. §§ 70503(a), 70506(a), 21 U.S.C. § 960(b)(1)(B)(ii), and 18 U.S.C. § 2 ("Count Two"). Moises-Martinez pled guilty to Count One, pursuant to a written plea agreement, which stated that the USCG had recovered 110 kilograms of cocaine. The district court dismissed Count Two.

Before sentencing, the probation officer prepared a presentence investigation report ("PSI"). In describing Moises-Martinez's

25-12296

Opinion of the Court

3

offense conduct, the officer noted that the USCG had recovered four bales of cocaine, which collectively weighed 110 kilograms. The PSI did not reference any additional quantity of cocaine that the USCG failed to recover. Thus, the probation officer calculated Moises-Martinez's base offense level of 34 using the guideline for offenses involving between 50 and 150 kilograms of cocaine, relying on the USCG's recovery of 110 kilograms of cocaine. The officer then applied several reductions, yielding a total offense level of 29. Additionally, the probation officer noted that Moises-Martinez had no criminal history, yielding a criminal history category of I. Based on an offense level of 29 and a criminal history category of I, Moises-Martinez's guideline imprisonment range was 87 to 108 months.

The district court adopted the PSI's factual findings and guideline calculations, and sentenced Moises-Martinez to 87 months' imprisonment followed by a two-year term of supervised release. In June 2025, Moises-Martinez moved for a reduced sentence, pursuant to Section 3582(c)(2). He argued that he was eligible for relief under Amendment 821 to the Sentencing Guidelines, and that his total offense level should be reduced by two, yielding a guideline imprisonment range of 70 to 87 months. Highlighting his difficult upbringing, acceptance of responsibility, and good conduct while incarcerated, Moises-Martinez maintained that the 18

U.S.C. § 3553(a) factors supported granting relief. Thus, he requested a term of imprisonment of “70 months or time-served.”

The district court denied Moises-Martinez’s motion. It acknowledged that he was eligible for a sentence reduction under Amendment 821, recounted facts about his upbringing, and noted his positive post-sentencing conduct. However, it determined that the Section 3553(a) factors—namely the circumstances of his offense—militated against reducing his sentence. The court stated that the offense was part of a “large cocaine smuggling case,” during which Moises-Martinez and the rest of the crew had resisted arrest. It also explained that the USCG had been forced “to shoot out the engines on their vessel” to intercept it.¹ The court concluded that the crew had “benefited from the obstruction because it enabled them to jettison contraband,” such that “only 110 kilos of cocaine were recovered.” Thus, it determined that a reduced sentence would not reflect the gravity of the offense, provide ade-

¹ The district court’s statement that the USCG shot out the vessel’s engine conflicts with the PSI’s indication that the helicopter launched by the Dutch naval ship used disabling fire to stop the vessel. However, this discrepancy is immaterial to the outcome of this appeal.

25-12296

Opinion of the Court

5

quate deterrence, or promote respect for the law, as Moises-Martinez had already “benefited from obstruction,” and it declined to grant the requested reduction.

Moises-Martinez appealed.

II. STANDARD OF REVIEW

We review the district court’s determinations about the scope of its authority under Section 3582(c)(2) *de novo*. *United States v. Lawson*, 686 F.3d 1317, 1319 (11th Cir. 2012). When Section 3582(c)(2) applies, “we review a district court’s decision to grant or deny a sentence reduction only for abuse of discretion.” *United States v. Caraballo-Martinez*, 866 F.3d 1233, 1238 (11th Cir. 2017). While this standard is deferential, “[a] district court abuses its discretion if it applies an incorrect legal standard, follows improper procedures in making the determination, or makes findings of fact that are clearly erroneous.” *United States v. Jordan*, 582 F.3d 1239, 1249 (11th Cir. 2009) (internal quotation marks omitted) (quoting *Klay v. United Healthgroup, Inc.*, 376 F.3d 1092, 1096 (11th Cir. 2004)).

A factual finding is clearly erroneous when “there is evidence to support it,” but “the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed.” *OHI Asset (VA) Martinsville SNF, LLC v. Wagner (In re Wagner)*, 115 F.4th 1296, 1303 (11th Cir. 2024) (internal quotation marks omitted) (quoting *Anderson v. City of Bessemer City*, 470 U.S. 564, 573 (1985)). Nevertheless, a court’s choice between two

reasonable views of the evidence is not a clearly erroneous finding of fact. *Id.*

III. DISCUSSION

On appeal, Moises-Martinez argues that the district court erred by denying his motion for a sentence reduction because it based its ruling on clearly erroneous factual findings and the “incorrect assumption” that he possessed more cocaine than the amount recovered. He states that the PSI reflected that the USCG recovered four bales of cocaine, weighing 110 kilograms in total, and there was no record evidence that he possessed additional cocaine.

Moises-Martinez further maintains that his conduct did not constitute “obstruction” because he did not hinder “the administration of justice.” Additionally, he asserts that the court improperly evaluated the Section 3553(a) factors because it weighed the nature and circumstances of the offense too heavily, and failed to adequately consider his background, his post-sentencing conduct, and the amended guideline range.

Section 3582(c)(2) provides that a district court may reduce the sentence of 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,” so long as “such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.” 18 U.S.C. § 3582(c)(2).

In evaluating a motion for a sentence reduction, the reviewing court engages in a two-step inquiry. *See Dillon v. United States*,

560 U.S. 817, 826–27 (2010). First, it must recalculate the guideline range under the amended guidelines to determine whether a retroactive amendment lowered the defendant’s guideline range and examine whether relief would be consistent with the applicable policy statement. *Id.* If the court concludes that the defendant is eligible for relief, it then “consider[s] whether the authorized reduction is warranted, either in whole or in part, according to the factors set forth in [Section] 3553(a).” *Id.* at 826. These factors include, among others, the circumstances of the offense; the defendant’s history and characteristics; the guideline range; and the need for the sentence imposed to reflect the seriousness of the offense, promote respect for the law, provide just punishment, and afford adequate deterrence. 18 U.S.C. § 3553(a).

Here, the district court properly determined that Moises-Martinez was eligible for a sentence reduction under Section 3582(c)(2). However, it abused its discretion by concluding that a reduction was ultimately unwarranted under Section 3553(a) because its decision was based on clearly erroneous factual findings. *Jordan*, 582 F.3d at 1249. Specifically, the court found that Moises-Martinez benefited from the “obstruction” because it enabled the crew to jettison the contraband from the vessel, resulting in the recovery of “only 110 kilos of cocaine.” This statement—which suggests that the USCG did not recover the full amount of cocaine involved in the offense, such that Moises-Martinez’s original guideline range was lower than it should have been—is inaccurate.

The undisputed record evidence establishes that Moises-Martinez's offense involved four bales of cocaine, weighing a total of 110 kilograms. In calculating his base offense level, the probation officer relied on the assumption that the offense involved between 50 and 150 kilograms of cocaine, and there is no evidence to suggest that this estimate was inaccurate. Instead, the record supports the conclusion that Moises-Martinez's original sentence was based on an accurate estimate of the amount of cocaine involved in the offense. Thus, the district court's implicit conclusion that the severity of Moises-Martinez's original sentence did not reflect the actual amount of cocaine involved is unsupported, and therefore, clearly erroneous. *See In re Wagner*, 115 F.4th at 1303.

Furthermore, in explaining why the Section 3553(a) factors militated against granting relief, the court based its conclusion that a reduction was unwarranted, in part, on the clearly erroneous factual finding that Moises-Martinez had not been held accountable for the full amount of cocaine on the vessel. The district court's reliance on this erroneous finding in denying the motion for a sentence reduction was an abuse of discretion. *See Jordan*, 582 F.3d at 1249.

IV. CONCLUSION

For the foregoing reasons, we vacate the district court's order denying Moises-Martinez's request for a sentence reduction and remand the case for further proceedings consistent with this opinion. Our disposition expresses no definitive instruction as to

25-12296

Opinion of the Court

9

whether, or to what extent, Moises-Martinez merits a sentence reduction.

VACATED AND REMANDED.