

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-12314
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KENNY GEOVANNY ROSADO-QUIIJE,

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-5

Before ROSENBAUM, LUCK, and LAGOA, Circuit Judges.

PER CURIAM:

Kenny Rosado-Quijje 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 because its analysis of the 18 U.S.C. § 3553(a) factors unduly weighed the nature and circumstances of the offense, while inadequately weighing his personal circumstances and postconviction rehabilitation efforts. After careful review, we affirm.

I.

In March 2020, Rosado-Quijije pled guilty to conspiracy to distribute and possess with intent to distribute five or more kilograms of cocaine 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”), Rosado-Quijije participated in trafficking 708 kilograms of cocaine in international waters. The venture involved at least three vessels: a go-fast vessel; a refueling boat; and a boat that brought cocaine from Ecuador to the go-fast vessel. Rosado-Quijije captained the third boat, which was sunk after the cocaine was transferred, and he and his crew were brought aboard the go-fast vessel. The U.S. Coast Guard later interdicted the go-fast vessel. Rosado-Quijije reported to government agents that he was paid \$5,000 for his role and that he previously had been the captain of a boat that transported 600 kilograms of cocaine to Mexico for \$5,000.

Rosado-Quijije objected to the PSR’s failure to apply a mitigating-role reduction, *see* U.S.S.G. § 3B1.2, but raised no objections to the PSR’s factual allegations. The district court overruled the objection, adopted the PSR’s findings, and calculated a total offense

25-12314

Opinion of the Court

3

level of 33 and a criminal-history category of I, for an advisory guideline range of 135 to 168 months. The court also granted the government's U.S.S.G. § 5K1.1 substantial-assistance motion and departed by two levels. Ultimately, the court sentenced Rosado-Quijje to 102 months of imprisonment.

In October 2023, Rosado-Quijje filed a *pro se* motion for a sentence reduction under 18 U.S.C. § 3582(c)(2) based on Amendment 821, which was scheduled to take effect in November 2023. 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 counsel, and Rosado-Quijje filed a renewed, unopposed motion through appointed counsel in April 2025.

Rosado-Quijje's counseled motion asserted that Amendment 821 reduced his total offense level from 33 to 31, for a resulting amended guideline range of 108–135 months. He further noted that a comparable § 5K1.1 substantial-assistance reduction of two levels would bring his offense level to 29 and his guideline range to 87–108 months. He argued that a reduction was warranted because he did not pose a safety risk and had excellent post-sentencing conduct, including no disciplinary infractions and the completion of educational and work programs.

In June 2025, the district court denied a sentence reduction under Amendment 821. The court found that Rosado-Quijje was eligible for a reduction and that the amended guideline range, including a comparable reduction for substantial assistance, was 87

to 108 months. But the court concluded that the 18 U.S.C. § 3553(a) sentencing factors “militate[d] against a reduction.”

The district court reasoned that the 102-month sentence was “the just and proper sentence in this case,” because “[t]his was a vast drug smuggling venture initially involving three vessels with almost three-quarters of a ton of cocaine, and Rosado-Quijje was an experienced captain who made a prior trip to Mexico involving 600 kilograms of cocaine.” The court acknowledged the grounds that Rosado-Quijje raised in his motion, and it stated that it “weigh[ed] his lack of disciplinary violations in prison and the contention that Defendant does not pose a danger to the community.” Nonetheless, the court found that a reduction in sentence would not reflect the seriousness of the offense or promote respect for the law and would impair the sentence’s deterrent effect. Lastly, the court noted that Rosado-Quijje “will most likely be deported to Ecuador 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 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. Irey*, 612 F.3d 1160, 1189 (11th Cir. 2010) (en banc) (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).

Rosado-Quijije argues that the district court committed a clear error of judgment in balancing the § 3553 factors. In his view, the court “gave too much weight” to the nature and circumstances of the offense, and “failed to give sufficient weight” to his personal characteristics and impoverished background, his model post-sentencing conduct, and the amended guideline range.

Here, Rosado-Quijije has not shown that the district court abused its considerable discretion by denying a sentencing reduction under Amendment 821. The court based its decision on the nature and circumstances of the offense and the need for the sentence to reflect the seriousness of the offense conduct, promote respect for the law, and deter criminal conduct. The court also considered the amended guideline range and Rosado-Quijije’s 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

25-12314

Opinion of the Court

7

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 Rosado-Quijje’s sentence to reflect the seriousness of his offense. *See id.* at 1276.

Finally, we agree with Rosado-Quijje 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”). So the court erred to the extent it relied on the likelihood of deportation to deny a reduction. Nonetheless, the court’s order otherwise reflects that the court’s rationale was based on the nature of the offense, not Rosado-Quijje’s immigration status.

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

AFFIRMED.