

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13323
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN MIGUEL DIEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 6:97-cr-00001-CEM-DCI-1

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

PER CURIAM:

Juan Miguel Diez appeals pro se from the district court's denial of his § 3582(c)(1)(A) motion for compassionate release and his subsequent motion for reconsideration. He argues that the district

court abused its discretion because it only considered his 1997 presentence investigation report (“PSI”) and the § 3553(a) factors, and that it did not have sufficient information to make its decision without reviewing Diez’s sentencing transcript.

We review whether a prisoner is eligible for a sentence reduction under § 3582(c)(1)(A) de novo. *United States v. Giron*, 15 F.4th 1343, 1345 (11th Cir. 2021). We then review “a district court’s denial of a prisoner’s § 3582(c)(1)(A) motion for abuse of discretion.” *Id.* We review a district court’s denial of a motion for reconsideration in a criminal action for an abuse of discretion. *United States v. Simms*, 385 F.3d 1347, 1356 (11th Cir. 2004).

“Generally, a district court may not modify a term of imprisonment once imposed” *United States v. Moreno*, 421 F.3d 1217, 1219 (11th Cir. 2005). However, a defendant may move for compassionate release under § 3582(c)(1)(A). 18 U.S.C. § 3582(c)(1)(A). A district court may grant compassionate release if (1) an extraordinary and compelling reason exists; (2) a sentencing reduction would be consistent with § 1B1.13; and (3) the § 3553(a) factors weigh in favor of compassionate release. *United States v. Tinker*, 14 F.4th 1234, 1237-38 (11th Cir. 2021); 18 U.S.C. § 3582(c)(1)(A). When the district court finds that one of these three prongs is not met, it need not examine the other prongs. *Giron*, 15 F.4th at 1348-50.

A district court must impose a “sentence sufficient, but not greater than necessary, to comply with the purposes set forth” in

§ 3553(a)(2), which are the need for the sentence to reflect the seriousness of the offense, promote respect for law, provide just punishment, afford adequate deterrence, protect the public, and provide the defendant with needed correctional treatment. 18 U.S.C. § 3553(a)(2). The district court must also consider: (1) the nature and circumstances of the offense and the history and characteristics of the defendant; (2) the types of sentences that are available; (3) the appropriate types of sentences and sentencing range established by the sentencing guidelines; (4) policy statements by the Sentencing Commission; (5) the need to avoid sentencing disparities between similarly situated defendants; and (6) the need to provide restitution. *Id.* § 3553(a)(1), (3)-(7).

“The weight given to any specific § 3553(a) factor is committed to the sound discretion of the district court.” *Tinker*, 14 F.4th at 1241 (quotation marks omitted). However, “[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.” *Id.* (quotation marks omitted).

We do not take a court’s failure to discuss certain mitigating evidence to mean “that the court erroneously ignored or failed to consider this evidence in determining” a sentence. *United States v. Amedeo*, 487 F.3d 823, 833 (11th Cir. 2007) (quotation marks omitted).

Motions “for reconsideration cannot be used to relitigate old matters, raise argument or present evidence that could have been raised prior to the entry of judgment.” *Cummings v. Dep’t of Corr.*, 757 F.3d 1228, 1234 (11th Cir. 2014) (quotation marks omitted).

Here, the court did not abuse its discretion by denying Diez’s motion for compassionate release. It was within the district court’s discretion to weigh the seriousness of Diez’s offense and the need to protect the community more heavily than Diez’s purported rehabilitation and remorse. *See Tinker*, 14 F.4th at 1241. That the district court was not persuaded by Diez’s arguments does not indicate that it abused its discretion. Diez points to nothing in the sentencing transcript (nor does the record suggest anything) that likely would have inclined the district court to rule otherwise if it had reviewed Diez’s sentencing transcript. To the contrary, the court was primarily concerned with the seriousness of the offense itself, rather than the circumstances surrounding Diez’s sentence. Because the court found that the § 3553(a) factors weighed against release, it was not required to reach whether an extraordinary and compelling reason existed to justify release. *See Giron*, 15 F.4th at 1348 50.

Because the court did not abuse its discretion by denying Diez’s motion for compassionate release, it also did not abuse its discretion by denying his motion for reconsideration. In his motion for reconsideration, Diez merely attempted to relitigate the same claims, rather than presenting any new facts or errors of law. *Cummings*, 757 F.3d at 1234. Accordingly, the court incorporated

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its order denying Diez's original § 3582 motion into its order denying his motion for reconsideration, as it had already addressed his arguments seeking a reduction of his sentence.

AFFIRMED.