

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-14036
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAMES JASON RIANI,
a.k.a. Wicked,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:11-cr-00174-JSM-AEP-1

Before LAGOA, ABUDU, and ANDERSON, Circuit Judges.

PER CURIAM:

James J. Riani, a federal prisoner proceeding pro se, appeals the district court's denial of his motion for compassionate release,

pursuant to 18 U.S.C. § 3582(c)(1)(A). On appeal, Riani argues that the district court erred in denying his motion because intervening changes in the law regarding his eligibility for his career-offender enhancement and his rehabilitation efforts during his incarceration present extraordinary and compelling reasons warranting compassionate release, and that the district court failed to adequately weigh the 18 U.S.C. § 3553(a) factors.

We review de novo whether a defendant is eligible for a sentence reduction under § 3582(c)(1)(A). *United States v. Giron*, 15 F.4th 1343, 1345 (11th Cir. 2021). After eligibility is established, we will review the district court’s denial of a prisoner’s § 3582(c)(1)(A) motion for an abuse of discretion. *Id.* An abuse of discretion arises if the district court “applies an incorrect legal standard, follows improper procedures in making its determination, or makes clearly erroneous factual findings.” *Id.* We review resentencing arguments raised for the first time on appeal for plain error. *United States v. Moreno*, 421 F.3d 1217, 1220 (11th Cir. 2005) (reviewing for plain error an argument raised for the first time on appeal of a § 3582(c)(2) motion). To prevail under plain-error review, the defendant must establish that: (1) the district court erred; (2) the error was plain; (3) the error affected his or her substantial rights; and (4) the error seriously affected the fairness, integrity, or public reputation of the judicial proceedings. *Id.* We liberally construe pro se filings. *United States v. Webb*, 565 F.3d 789, 792 (11th Cir. 2009).

A district court may grant compassionate release if: (1) an extraordinary and compelling reason exists; (2) a sentencing reduction would be consistent with U.S.S.G. § 1B1.13 because the defendant's release would not endanger the community; and (3) the § 3553(a) factors weigh in favor of compassionate release. *United States v. Tinker*, 14 F.4th 1234, 1237 (11th Cir. 2021). A district court need not conduct its compassionate release analysis in any particular order. *Id.* 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.

The policy statements applicable to § 3582(c)(1)(A) are found in § 1B1.13. *See* U.S.S.G. § 1B1.13. Section 1B1.13 states that a defendant's sentence may be reduced, upon motion of the defendant, where extraordinary and compelling reasons warrant the reduction, the defendant is not a danger to the safety of any other person or to the community, as provided in 18 U.S.C. § 3142(g), and the court determines a reduction is warranted under the factors in § 3553(a). *Id.* § 1B1.13(a). Section 1B1.13, as amended at the time of Riani's motion, provided that an extraordinary and compelling reason exists under any of the listed circumstances or a combination thereof, which include the medical circumstances of the defendant, the age of the defendant, the family circumstances of the defendant, or if the defendant was the victim of sexual abuse or physical abuse resulting in "serious bodily injury" while serving a term of imprisonment. *Id.* § 1B1.13(b)(1)-(4). The section also contained a catch-all provision for "other reasons," which provides that a prisoner may be eligible for a sentence reduction if he "presents

any other circumstance or combination of circumstances that, when considered by themselves or together with any of the reasons described [above], are similar in gravity” to the other examples listed. *Id.* § 1B1.13(b)(5). Rehabilitation, by itself, is not an extraordinary and compelling reason, but can be considered in combination with other circumstances to determine whether and to what extent a reduction is warranted. *Id.* § 1B1.13(d).

Section 1B.13 of the Sentencing Guidelines also provides that, if a defendant receives an “unusually long sentence” and has served at least ten years’ imprisonment, the court may consider a change in the law in determining whether the defendant presents an extraordinary and compelling reason, but only where the change would produce a gross disparity between the sentence imposed and the sentence likely to be imposed in the present. *Id.* § 1B1.13(b)(6). However, in *Rutherford v. United States*, the U.S. Supreme Court recently held that the Sentencing Commission’s 2023 “unusually long sentence” policy statement is invalid to the extent that it authorizes nonretroactive sentencing amendments as an “extraordinary and compelling” reason for compassionate release because the Commission’s interpretation exceeded the statutory bounds of the First Step Act of 2018. 146 S. Ct. 1320, 1330 (2026). To this end, it held that “[t]he disparity that results from Congress’s decision to leave a sentence untouched cannot serve as” an “extraordinary and compelling reason” to warrant a sentence reduction pursuant to § 3582(c)(1)(A)(i). *Id.* at 1335.

Section 1B.10(d) of the Sentencing Guidelines lists the sentencing amendments that have been made retroactive. U.S.S.G. § 1B1.10(d). Effective August 1, 2016, Amendment 798 altered the career-offender provision of the Sentencing Guidelines by, inter alia, removing “burglary of a dwelling” from the enumerated offenses listed as relevant to the career-offender enhancement. U.S.S.G. App’x C Supp., Amend. 798; *see id.* § 4B1.2(a)(2). Effective November 1, 2015, Amendment 797 made several technical and conforming changes to commentary in the Guidelines. U.S.S.G. App’x C Supp., Amend. 797. Effective November 1, 2023, Amendment 822 altered the definition of crime of violence as it pertained to the career-offender section, among other changes. U.S.S.G. App’x C Supp. Amend. 822; *see id.* § 4B1.2(a). Neither Amendments 797, 798, nor 822 were made retroactive. *See id.* § 1B1.10(d).

In *Mathis v. United States*, the Supreme Court considered the appropriate categorical approach analysis for determining whether a prior conviction may serve as a basis for an enhanced sentence under § 924(e), emphasizing the distinction between the elements of an offense and the means of satisfying one or more of a crime’s elements. 579 U.S. 500, 503, 519-20 (2016). In *United States v. Esprit*, we held, in light of *Mathis*, that a Florida conviction for burglary could not be a violent felony for purposes of § 924(e). 841 F.3d 1235, 1239, 1241 (11th Cir. 2016). In *United States v. Garcia-Martinez*, we held that second-degree burglary under Florida law was not categorically an enumerated “crime of violence” of “burglary of a dwelling” for purposes of applying a sentencing enhancement pursuant to U.S.S.G. § 2L1.2. 845 F.3d 1126, 1133-34 (11th Cir.

2017). In that decision, we noted that the predicate offense of “burglary of a dwelling” under § 2L1.2 was distinct from the Armed Career Criminal Act’s (“ACCA”) predicate offense of “burglary,” as defined in § 924(e). *Id.* at 1130-31 & n.3.

Factors under § 3553(a) that the district court may consider include the nature and circumstances of the offense, the history and characteristics of the defendant, the seriousness of the crime, the promotion of respect for the law, just punishment, protecting the public from the defendant’s crimes, adequate deterrence, and the need to avoid unwarranted sentencing disparities. 18 U.S.C. § 3553(a)(1), (a)(2)(A) (C), (a)(6). The district court need not address each of the § 3553(a) factors or all of the mitigating evidence. *Tinker*, 14 F.4th at 1241. An acknowledgment that the court considered all applicable § 3553(a) factors along with “enough analysis that meaningful appellate review of the factors’ application can take place” is sufficient. *Id.* at 1240-41 (citation omitted). The weight given to any § 3553(a) factor is committed to the discretion of the district court. *Id.* at 1241. “A sentence may be affirmed so long as the record indicates that the district court considered a number of factors such as the nature and circumstances of the offense, the defendant’s history of recidivism, and the types of sentences available.” *Id.* (quotation marks omitted).

Here, we conclude that the district court did not err in denying Riani’s motion for compassionate release because it determined that the § 3553(a) factors did not warrant a sentence reduction and did not abuse its discretion in weighing those factors. As such, we

25-14036

Opinion of the Court

7

need not examine the other prongs, such as the existence of extraordinary and compelling reasons for release or consideration of Riani's dangerousness to the community.

For the reasons discussed above, we affirm the district court's order denying Riani's motion for compassionate release.

AFFIRMED.