FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-11902

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

versus

RODNEY J. TAYLOR,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 9:03-cr-80029-RNS-1

Before BRANCH, BRASHER, and HULL, Circuit Judges.

HULL, Circuit Judge:

In 2004, Rodney Taylor was convicted of possessing a firearm and ammunition as a felon under 18 U.S.C. § 922(g)(1). At that time, the maximum statutory penalty for his § 922(g)(1) conviction was 10 years. 18 U.S.C. § 924(a)(2) (2003). Because

Taylor had three qualifying prior felony convictions, his statutory maximum penalty increased to life imprisonment under the Armed Career Criminal Act ("ACCA"). *Id.* § 924(e)(1). And his guidelines range for his firearm conviction was enhanced to life imprisonment because the sentencing court found that he had murdered Hermanth Rao with the firearm underlying his conviction.

In 2023, Taylor moved for a sentence reduction under 18 U.S.C. § 3582(c)(1)(A)(i). Taylor argued that judicial decisions issued after his sentence established that one of his prior felony convictions would not now qualify as an ACCA predicate conviction if he were sentenced today, creating a gross disparity in his sentence. Taylor relied on a 2023 Sentencing Commission policy statement, which states that "a change in the law . . . may be considered in determining whether" the defendant has established an "extraordinary and compelling" reason for a § 3582(c)(1)(A)(i) sentence reduction. U.S.S.G. § 1B1.13(b)(6) (2023).

Over the government's objection, the district court granted Taylor's motion and reduced his sentence from life to 360 months of imprisonment. The government appealed.

After careful review, and with the benefit of oral argument, we conclude that (1) we have jurisdiction over the government's appeal, *see United States v. Rizo*, ___ F.4th ___, No. 24-11349, 2026 WL 3211169 (11th Cir. Oct. 27, 2026), and (2) the district court erred in reducing Taylor's sentence, *see Rutherford v. United States*, 608 U.S. 454 (2026); *Fernandez v. United States*, 608 U.S. 411 (2026).

Our analysis proceeds in four parts. First, as legal background, we review the § 3582(c)(1)(A)(i) statute and the Commission's § 1B1.13(b)(6) policy statement. Next, we outline the factual and procedural history of Taylor's case. Third, we determine that we have jurisdiction over the government's appeal. Fourth, we explain why the district court erred in granting Taylor's § 3582(c)(1)(A)(i) motion and reducing his life sentence.

I. LEGAL BACKGROUND

A. 18 U.S.C. § 3582(c)(1)(A)(i)—Sentence Reductions

As a general rule, a district court "may not modify a term of imprisonment once it has been imposed." 18 U.S.C. § 3582(c). Congress, however, created certain limited exceptions to this general rule and allowed defendants to request a sentence reduction if they meet one of the exceptions. *See id.*

As is relevant here, one of the exceptions in § 3582(c) states that a district court "may" reduce a defendant's sentence "after considering the factors set forth in [18 U.S.C. §] 3553(a)" if it finds that "extraordinary and compelling reasons warrant such a reduction" and "such a reduction is consistent with applicable policy statements issued by the Sentencing Commission." *Id.* § 3582(c)(1)(A)(i). This exception is referred to as "compassionate release." *See Rutherford*, 608 U.S. at 458.

Under this § 3582(c)(1)(A)(i) exception, a district court may grant a sentence reduction if three factors are met: "(1) there is an 'extraordinary and compelling' reason for a reduction, (2) the defendant is not a danger to the community (as provided in a policy

statement), and (3) the § 3553(a) factors weigh in favor of a reduction." *Rizo*, 2026 WL 3211169, at *2.

"Congress did not define the phrase 'extraordinary and compelling reasons.'" *Id.* Congress (1) directed the Sentencing Commission to define that phrase through policy statements, *see* 28 U.S.C. § 994(t), and (2) required that the Commission's policy statements be "consistent with all pertinent provisions of any Federal statute," *id.* § 994(a); *Rizo*, 2026 WL 3211169, at *2. Any policy statement defining "extraordinary and compelling reasons" thus must be consistent with the text of § 3582(c)(1)(A)(i), *Rutherford*, 608 U.S. at 472–73, and must be read in conjunction with other federal statutes, like 28 U.S.C. § 2255, *see Fernandez*, 608 U.S. at 419–30.

B. U.S.S.G. § 1B1.13(b)(6)—Policy Statement

This appeal involves the Commission's policy statement, promulgated in U.S.S.G. § 1B1.13(b)(6), which outlines when "a change in the law" may be considered in determining whether a defendant presents an "extraordinary and compelling" reason for a sentence reduction. That policy statement in § 1B1.13(b)(6) reads:

> If a defendant received an unusually long sentence and has served at least 10 years of the term of imprisonment, a change in the law (other than an amendment to the Guidelines Manual that has not been made retroactive) may be considered in determining whether the defendant presents an extraordinary and compelling reason, but only where such change would produce a gross disparity between

> the sentence being served and the sentence likely to be imposed at the time the motion is filed, and after full consideration of the defendant's individualized circumstances.

U.S.S.G. § 1B1.13(b)(6) (2023). We now turn to Taylor's case.

II. FACTUAL AND PROCEDURAL HISTORY

A. Taylor's 2004 Conviction

In 2003, a federal grand jury indicted Taylor with possessing a firearm and ammunition as a convicted felon, in violation of 18 U.S.C. § 922(g)(1). The indictment also charged that Taylor was subject to an enhanced sentence under the ACCA, 18 U.S.C. § 924(e).

At that time, § 924(e) provided that a defendant convicted of violating § 922(g) who had three prior felony convictions "for a violent felony or a serious drug offense, or both, committed on occasions different from one another" was subject to a mandatory minimum of 15 years of imprisonment and a maximum of life. 18 U.S.C. § 924(e)(1) (2003). In a separate notice, the government charged that Taylor's three ACCA-qualifying felony convictions were: (1) two separate 2001 and 2002 Florida robbery convictions, and (2) a 2001 Florida conviction for possession of marijuana with intent to sell within 1,000 feet of a school.

At a jury trial in 2004, the government submitted evidence that Taylor possessed a loaded, semiautomatic pistol and a box of ammunition. The parties stipulated that Taylor was previously convicted of a felony. The jury found Taylor guilty.

B. Initial Sentence and Appeal

In 2004, the district court sentenced Taylor to life imprisonment. Here's how Taylor's maximum statutory penalty and guidelines range were calculated.

The statutory penalty range for Taylor's § 922(g)(1) conviction was a statutory maximum of 10 years and no mandatory minimum. 18 U.S.C. § 924(a)(2) (2003). Because Taylor had three qualifying prior felony convictions under the ACCA, his statutory penalty range became a mandatory minimum of 15 years and a maximum of life imprisonment. *Id.* § 924(e)(1).

Taylor's guidelines range was life imprisonment. *See* U.S.S.G. §§ 2K2.1(c)(1)(B), 2A1.1 (2003). As to § 922(g) convictions, § 2K2.1(c)(1)(B) provided a cross-reference to § 2A1.1 if (1) the defendant used or possessed any firearm or ammunition in connection with the commission of another offense, and (2) the other offense resulted in death. *Id.* § 2K2.1(c)(1)(B). In turn, the § 2A1.1 guideline provided for a base offense level of 43 when the other offense constituted first-degree murder under 18 U.S.C. § 1111. *Id.* § 2A1.1.

Based on the government's evidence at sentencing, and over Taylor's objection, the district court found by a preponderance of the evidence that Taylor used the firearm underlying his § 922(g)(1) conviction to murder Hermanth Rao during a robbery on February 1, 2003.

Taylor was also an armed career criminal, which carried an offense level of 34. *See id.* § 4B1.4(a), (b)(3)(A). Taylor's offense

level of 43 (calculated using §§ 2K2.1(c)(1)(B) and 2A1.1) was higher than the 34 for an armed career criminal, and so his offense level remained at 43. *See id.* § 4B1.4(b).

With a total offense level of 43 and a criminal history category of VI, Taylor's guidelines range was life imprisonment. *Id.*, Ch. 5, Pt. A. In 2004, the district court sentenced Taylor to life imprisonment. Taylor appealed. This Court vacated Taylor's life sentence in light of *United States v. Booker*, 543 U.S. 220 (2005), because the district court sentenced him under the mandatory guidelines-sentencing regime that the Supreme Court determined was unconstitutional. *United States v. Taylor*, 133 F. App'x 740 (11th Cir. 2005).

On remand, the district court reimposed a life sentence. Taylor appealed, and this Court affirmed. *United States v. Taylor*, 184 F. App'x 870 (11th Cir. 2006).

C. Section 2255 Challenges to Conviction and Sentence

Twice Taylor sought to challenge collaterally his § 922(g)(1) conviction and life sentence through 28 U.S.C. § 2255. *See* 28 U.S.C. § 2255(a) (permitting a prisoner in federal custody to move to vacate his sentence if it "was imposed in violation of the Constitution or laws of the United States" or if it "was in excess of the maximum authorized by law"). The district court denied the first § 2255 motion on the merits and dismissed the second motion as an improper second or successive § 2255 motion. *See id.* § 2255(h).

Taylor also filed with this Court three petitions for leave to file a second or successive § 2255 motion, each of which this Court either denied or dismissed. In his second § 2255 motion and two of his petitions for leave to file a successive § 2255 motion, Taylor argued that the ACCA enhancement of his sentence was illegal under *Johnson v. United States*, 576 U.S. 591 (2015). In his § 2255 filings, Taylor did not argue that his 2001 Florida marijuana conviction did not qualify as an ACCA predicate.

D. Section 3582(c)(1)(A)(i) Motion for Sentence Reduction

In 2023, Taylor, *pro se*, filed a motion for a sentence reduction under § 3582(c)(1)(A)(i). The district court appointed counsel for Taylor. Taylor's counsel filed an amended § 3582(c)(1)(A)(i) motion, and the court denied Taylor's *pro se* motion as moot.

In his amended motion, Taylor argued that he was eligible for a sentence reduction based on § 1B1.13(b)(6) because "a change in the law" resulted in a "gross disparity" between his life sentence received in 2004 and the sentence he would receive today. Taylor asserted that, because of two recent judicial decisions, (1) his 2001 Florida marijuana conviction does not qualify as an ACCA predicate; (2) he "does not have the requisite three felony convictions to support an ACCA enhancement;" (3) "his life imprisonment sentence is an unusually long, and illegally long, sentence;" and (4) he satisfied all other § 3582(c)(1)(A)(i) criteria for a sentence reduction.

Taylor cited these two judicial decisions as his "change in the law": *Said v. U.S. Att'y Gen.*, 28 F.4th 1328 (11th Cir. 2022) and *United States v. Latson*, No. 19-14934, 2022 WL 3356390 (11th Cir. Aug. 15, 2022). In *Said*, an immigration case, this Court held that Florida's statutory definition of "marijuana" was in 2017 categorically broader than the federal statutory definition of "marijuana" because the Florida definition included the entire marijuana plant, but the federal definition excluded the plant's mature stalks. 28 F.4th at 1330–34. Then in *Latson*, an unpublished decision in a direct criminal appeal, this Court concluded that, because of the categorical mismatch identified in *Said*, defendant Latson's prior Florida marijuana convictions did not constitute "serious drug offenses" under the ACCA, and his ACCA enhancement was "plain error." 2022 WL 3356390, at *2–3.

The government opposed Taylor's § 3582(c) motion. It argued that Taylor's sentence-disparity claim asserted a legal error in his sentence and was not premised on a "change in the law" as required by § 1B1.13(b)(6). It reasoned that judicial decisions interpreting a statute, like the ACCA, did not change the law. Instead, Taylor's sentencing-error claim under *Said* and *Latson* was a collateral attack on his sentence that must be raised in a § 2255 motion, not in a § 3582(c)(1)(A)(i) motion for compassionate release.

The government also asserted that, even if Taylor's claim satisfied the terms of § 1B1.13(b)(6), that policy statement was invalid because it conflicted with the text, context, and purpose of

§ 3582(c)(1)(A)(i). It contended that changes in the law from judicial decisions or otherwise could not qualify as an "extraordinary and compelling" reason for a sentence reduction. The government also argued that Taylor did not meet the other requirements for a § 3582(c)(1)(A)(i) sentence reduction.

E. Order Granting Taylor's Sentence-Reduction Motion

On May 13, 2024, after two hearings, the district court granted Taylor's § 3582(c)(1)(A)(i) motion. The district court concluded that (1) § 1B1.13(b)(6) was a valid exercise of the Commission's delegated authority under § 994(t); (2) Taylor's life sentence was "unusually long," and he had served over 10 years; (3) under *Said* and *Latson*, Taylor's prior Florida marijuana conviction "does not count as an ACCA predicate," and so he did not qualify for an ACCA enhancement; and (4) that "change in the law" (*Said* and *Latson*) created a "gross disparity" between his life sentence in 2004 and the maximum 10- or 15-year sentence without the ACCA enhancement. The district court concluded that this "gross disparity" was an "extraordinary and compelling" reason for a sentence reduction under § 3582(c)(1)(A)(i).

The district court determined that Taylor did not pose a danger to the community and the § 3553(a) factors weighed in favor of a sentence reduction. The court reduced Taylor's life sentence to 360 months' imprisonment. The government appealed.

III. STANDARDS OF REVIEW

"We review our appellate jurisdiction *de novo*." *Rizo*, 2026 WL 3211169, at *5 (quoting *United States v. Solomon*, 136 F.4th 1310, 1316 (11th Cir. 2025)). "We review *de novo* whether a defendant is eligible for a sentence reduction under 18 U.S.C. § 3582(c)(1)(A)." *Id.* (quoting *United States v. Giron*, 15 F.4th 1343, 1345 (11th Cir. 2021)).

IV. APPELLATE JURISDICTION

We first must assure ourselves that our appellate jurisdiction exists over the government's criminal appeal. *See Overlook Gardens Props., LLC v. ORIX USA, L.P.*, 927 F.3d 1194, 1198 (11th Cir. 2019) ("We have a duty to assure ourselves of our jurisdiction at all times in the appellate process."). The government argues that we have jurisdiction under 28 U.S.C. § 1291. Taylor asserts that we lack jurisdiction because (1) the jurisdictional basis for this appeal is 18 U.S.C. § 3742(b), and (2) the government has not satisfied § 3742(b). This Court's recent decision in *United States v. Rizo* controls this issue.

A. *United States v. Rizo*

In *Rizo*, this Court addressed its jurisdiction to hear a government appeal in a criminal case of a § 3582(c)(1)(A)(i) sentence reduction. 2026 WL 3211169, at *5–9. *Rizo* discussed the two relevant statutes: 28 U.S.C. § 1291 (providing courts of appeals with jurisdiction over appeals from all final decisions of the district courts) and 18 U.S.C. § 3742(b) (authorizing the government to

appeal a defendant's final sentence in explicit circumstances). *Id.* at *5–8.

As explained in *Rizo*, the Supreme Court has held that "§ 1291 alone does not permit government criminal appeals unless (1) the government has an additional express statutory authorization to appeal under federal law, or (2) the order being appealed from under § 1291 possesses sufficient independence from the main course of the prosecution to warrant treatment as a plenary order." *Id.* at *6 (citing *Arizona v. Manypenny*, 451 U.S. 232, 246–47 (1981); *Carroll v. United States*, 354 U.S. 394, 400–03 (1957)).

"Before the enactment of § 3742(b), this Court had dismissed government appeals of defendants' criminal sentences because (1) the government lacked express statutory authorization of Congress and (2) the *Carroll* exception did not apply." *Id.* at *7 (discussing § 1291 and citing *United States v. Denson*, 588 F.2d 1112, 1125–27 (5th Cir.), *aff'd in part and rev'd in part on reh'g en banc*, 603 F.2d 1143 (5th Cir. 1979) (en banc) and *United States v. Dean*, 752 F.2d 535, 539–40 (11th Cir. 1985)).

"Yet after the enactment of § 3742, this Court held that it had jurisdiction over two government appeals of criminal sentences, albeit with somewhat diverging views about the jurisdictional roles of § 1291 and § 3742(b)." *Id.* (comparing *United States v. Chotas*, 913 F.2d 897, 898–99 (11th Cir. 1990) (holding jurisdiction existed over a government cross-appeal of a defendant's final sentence under § 1291, and § 3742(b) did "not alter [that] proposition") with *United States v. Chavarria-Herrara*, 15 F.3d 1033, 1034–36 (11th Cir. 1994)

(holding § 3742(b) "confer[red] appellate jurisdiction" to hear a government appeal of a post-judgment sentence reduction)).

After summarizing the relevant precedent, the *Rizo* Court determined that it was unnecessary to decide whether § 3742(b) is a jurisdictional statute itself or merely the non-jurisdictional statutory authorization for government criminal appeals of sentences. *Id.* at *8. That was because, in any event, the government had satisfied the two requirements to appeal a § 3582(c)(1)(A)(i) sentence reduction: (1) the sentence reduction must be final, and (2) the government must meet one of the four criteria in § 3742(b).[1] *Id.* at *8–9. This Court held that it had jurisdiction over the government's § 3582(c)(1)(A)(i) appeal because (1) Rizo's sentence reduction was final, and (2) the government's argument that the district court lacked the legal authority to reduce Rizo's sentence was a cognizable claim of a "violation of law" that satisfied § 3742(b)(1). *Id.*

B. Analysis

In light of *Rizo*, we have appellate jurisdiction over this appeal by the government of Taylor's sentence reduction. Like in *Rizo*, we need not decide whether § 3742(b) is a jurisdictional

[1] Section 3742(b) provides: "The Government may file a notice of appeal in the district court for review of an otherwise final sentence if the sentence" (1) "was imposed in violation of law;" (2) "was imposed as a result of an incorrect application of the sentencing guidelines;" (3) "is less than the sentence specified in the applicable guideline range;" or (4) "was imposed for an offense for which there is no sentencing guideline and is plainly unreasonable." 18 U.S.C. § 3742(b).

statute itself because, in order to appeal Taylor's § 3582(c)(1)(A)(i) sentence reduction, the government regardless must establish that (1) the sentence reduction is final, and (2) it satisfied one of the statutory criteria in § 3742(b). *See id.* We conclude that, as in *Rizo*, the government met both requirements here.

Clearly, Taylor's sentence reduction is final. As *Rizo* stated, a § 3582(c)(1)(A)(i) sentence reduction is final because it ends the proceedings started by the § 3582(c)(1)(A)(i) motion and leaves "nothing for the court to do but execute the judgment." *Id.* at *8 (quoting *Dunn v. Comm'r, Ala. Dep't of Corr.*, 179 F.4th 1277, 1298 (11th Cir. 2026)).

The government has also satisfied § 3742(b)(1) because it has presented a cognizable claim on appeal that the district court's reduction of Taylor's sentence was "in violation of law." *Id.* at *9. The government argues in this appeal that the district court lacked the legal authority to reduce Taylor's sentence because (1) Taylor did not show "a change in the law" and failed to satisfy § 1B1.13(b)(6) on its own terms, (2) Taylor's claim based on *Said* and *Latson* does not constitute an "extraordinary and compelling" reason for a sentence reduction under § 3582(c)(1)(A)(i), and (3) § 1B1.13(b)(6) is invalid to the extent it counsels otherwise. As this Court explained in *Rizo*, "a district court's decision regarding whether it is authorized to reduce a sentence under § 3582(c) is a question of law we review *de novo*." *Id.* (citing *United States v. Melvin*, 556 F.3d 1190, 1191 (11th Cir. 2009); *Giron*, 15 F.4th at 1345–46). The government on appeal challenges the district

court's legal authority to reduce Taylor's sentence and clearly satisfies § 3742(b)(1).

We thus have appellate jurisdiction over the government's appeal. We turn to the merits.

V. SENTENCE REDUCTION

A. "A Change in the Law"

To repeat, § 1B1.13(b)(6) provides that "a change in the law"—other than a non-retroactive amendment to the Guidelines Manual—which produces "a gross disparity" in sentences "may be considered in determining whether the defendant presents an extraordinary and compelling reason" for a § 3582(c)(1)(A)(i) sentence reduction. U.S.S.G. § 1B1.13(b)(6) (2023). The Commission did not define "change in the law," and this Court has never analyzed that term in the context of § 1B1.13(b)(6).

The government argues that Taylor did not satisfy § 1B1.13(b)(6) on its own terms because judicial decisions like *Said* and *Latson*, which merely interpret statutes, do not constitute "a change in the law" but explain what a statute always meant. We agree and explain why.

The Supreme Court has ruled that "[a] judicial construction of a statute is an authoritative statement of what the statute meant before as well as after the decision of the case giving rise to that construction." *Rivers v. Roadway Express, Inc.*, 511 U.S. 298, 312–13 (1994). Our Court has followed this rule. *See Fernandez v. United States*, 114 F.4th 1170, 1180–81 (11th Cir. 2024) (concluding on

review of an authorized successive § 2255 motion that conspiracy and attempt Hobbs Act robbery convictions were not "crimes of violence" under 18 U.S.C. § 924(c) "at *any* point" after intervening judicial decisions clarified that such conspiracy and attempt Hobbs Act robberies were not "crimes of violence" "because the judiciary's role is 'to say what a statute means,' . . . which is necessarily what the statute has always meant" (quoting *Rivers*, 511 U.S. at 312) (citation omitted)), *cert. denied*, 146 S. Ct. 294 (2025); *Somers v. United States*, 66 F.4th 890, 895–96 (11th Cir. 2023) (involving whether the Florida offense of aggravated assault was a "violent felony" under the ACCA, citing *Rivers*, and stating, "When the Florida Supreme Court . . . interprets [a] statute, it tells us what that statute always meant" (quoting *United States v. Fritts*, 841 F.3d 937, 943 (11th Cir. 2016)).

For that reason, a judicial decision interpreting a statute does not "change[]" the law but rather explains what the statute "*always* meant" "continuously since the date when it became law." *Rivers*, 511 U.S. at 313 n.12; *see also Aspilaire v. U.S. Att'y Gen.*, 992 F.3d 1248, 1256 (11th Cir. 2021) ("When a court corrects a wrong interpretation of a statute, 'it is not accurate to say that [the decision] "changed" the law.'" (quoting *Rivers*, 511 U.S. at 313 n.12)).

This well-established principle shows that the judicial decisions in *Said* and *Latson* did not change the law as to whether Taylor's Florida marijuana conviction qualified as a "serious drug offense" under the ACCA's statutory text. *Said* and *Latson* did not

change (1) the Florida and federal statutory definitions of marijuana, (2) the statutory term "relating to a controlled substance" under the immigration statute at issue in *Said*, or (3) the statutory term "serious drug offense" in the ACCA at issue in *Latson*. *See Said*, 28 F.4th at 1330–34; *Latson*, 2022 WL 3356390, at *2–3. Rather, at most, *Said* and *Latson* clarified what those statutory terms "*always* meant" "continuously since the date when [the statutes] became law." *See Rivers*, 511 U.S. at 313 n.12.

As a result, under *Said* and *Latson*, Taylor's Florida marijuana conviction could not "at *any* point" serve as an ACCA predicate conviction if the conviction occurred when the categorical mismatch between the Florida and federal statutory definitions of marijuana existed. *See Fernandez*, 114 F.4th at 1180–81. In other words, *Said* and *Latson* did not change the law but instead established that any district court rulings interpreting the ACCA to the contrary were legally erroneous from the beginning. *See Rivers*, 511 U.S. at 312 (explaining that a Supreme Court decision established that prior contrary decisions of the courts of appeals "were *incorrect*"); *see also Aspilaire*, 992 F.3d at 1256.

Additionally, § 1B1.13(b)(6) does not contain any language suggesting that judicial decisions clarifying the meaning of a statute could qualify as "a change in the law." "[A] change in the law" refers to situations where the law actually changes, such as the statutory amendment to § 924(c) in *Rutherford* discussed below. In our view, "a change in the law" does not extend to judicial

decisions that interpret and clarify what a statute "*always* meant" without changing the language of the statute.[2] *Rivers*, 511 U.S. at 313 n.12.

In sum, the district court erred in reducing Taylor's sentence because (1) judicial decisions interpreting statutes do not constitute "a change in the law" as required for § 1B1.13(b)(6) to apply by its own terms, and (2) thus Taylor failed to show, as a matter of law, an "extraordinary and compelling" reason for a § 3582(c)(1)(A)(i) sentence reduction based on § 1B1.13(b)(6).

B. "Extraordinary and Compelling" Reason under § 3582(c)(1)(A)(i)

Alternatively, even if Taylor's claim—based on judicial decisions interpreting a statute—satisfied the "change in the law" terms of § 1B1.13(b)(6), the district court still erred because

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[2] Taylor relies on *United States v. Crawley*, where the Fourth Circuit concluded that its prior decision in *United States v. White*—holding that Virginia common-law robbery was not a "violent felony" under the ACCA—was "a change in the law" under § 1B1.13(b)(6). *United States v. Crawley*, 140 F.4th 165, 170–72 (4th Cir. 2025) (citing *United States v. White*, 24 F.4th 378, 381–82 (4th Cir. 2022)). The underpinning of *White*, however, was the Fourth Circuit's certified question to the Virginia Supreme Court about the elements of Virginia common-law robbery and the Virginia Supreme Court's decision answering that question. *See White*, 24 F.4th at 381–82 (citing *White v. United States*, 863 S.E.2d 483 (Va. 2021)). And *Crawley* (1) stated summarily without analysis that "our holding in *White*" effected "a change in the law" and (2) analyzed only whether Virginia common-law robbery was a "crime of violence" under the career-offender provision in the Sentencing Guidelines. *See Crawley*, 140 F.4th at 167, 171–72. Nothing in *Crawley* grapples with the "change in the law" question about existing and unchanged statutes facing us.

Taylor's claim, as a matter of law, did not constitute an "extraordinary and compelling" reason for a sentence reduction under § 3582(c)(1)(A)(i). To the extent that § 1B1.13(b)(6) counsels otherwise, it is invalid.

This merits issue is impacted by *Rutherford v. United States*, 608 U.S. 454 (2026), and *Fernandez v. United States*, 608 U.S. 411 (2026). In both cases, the defendants filed sentence-reduction motions, like Taylor's motion, which (1) were brought under § 3582(c)(1)(A)(i), and (2) were based on alleged "extraordinary and compelling reasons." *See Rutherford*, 608 U.S. at 463–64; *Fernandez*, 608 U.S. at 417–18. The Supreme Court held in each case that the defendants' claims could not constitute, as a matter of law, "extraordinary and compelling reasons" for purposes of § 3582(c)(1)(A)(i). *See Rutherford*, 608 U.S. at 465–73; *Fernandez*, 608 U.S. at 419–31. While the alleged "extraordinary and compelling reasons" were different in each case, the *Rutherford* and *Fernandez* opinions, read together, chart a clear path we must follow.

1. *Rutherford*

In *Rutherford*, the Supreme Court addressed the § 1B1.13(b)(6) policy statement at issue here. *See* 608 U.S. at 472–73. Two defendants moved to reduce their sentences under § 3582(c)(1)(A)(i), arguing that (1) "a change in the law"—a 2018 non-retroactive statutory amendment to the penalty scheme in 18 U.S.C. § 924(c)—created "a gross disparity" between the sentences they were serving and the sentences they would receive under the amended § 924(c), and (2) this "gross disparity" constituted an

"extraordinary and compelling" reason for a sentence reduction. *Id.* at 463–64. The defendants were serving consecutive mandatory-minimum sentences of 25 years each for multiple § 924(c) convictions received in a single prosecution, whereas under the 2018 statutory amendment they would be sentenced to a mandatory minimum of 5 years for all their § 924(c) convictions. *Id.* at 459–60; *see also Rizo*, 2026 WL 3211169, at *2–3.

In *Rutherford*, despite this "gross disparity" in sentences, the Supreme Court held that the "change in the law"—the statutory amendment to § 924(c)—could not, as a matter of law, constitute an "extraordinary and compelling" reason for a § 3582(c)(1)(A)(i) sentence reduction. 608 U.S. at 465–72. The Supreme Court reasoned that (1) Congress declined to make the 2018 statutory amendment retroactive; (2) the disparity in sentences was "an unexceptional feature of a system in which nonretroactivity is the default;" and (3) the 2018 statutory amendment fell "well outside the heartland of compassionate release, which has long been defined by a prisoner's personal circumstances." *Id.* at 465–72.

The Supreme Court also emphasized that § 1B1.13(b)(6) did not change that result. *Id.* at 472–73. It reasoned that policy statements like § 1B1.13(b)(6) "must be 'consistent with' the governing statute," which in that case was § 3582(c)(1)(A)(i). *Id.* (quoting 28 U.S.C. § 994(a)). The Supreme Court concluded that, to the extent that § 1B1.13(b)(6) provided that the 2018 statutory amendment (the "change in the law" to § 924(c)) could constitute an "extraordinary and compelling" reason for a sentence reduction,

that policy statement was inconsistent with § 3582(c)(1)(A)(i) and therefore "invalid." *Id.* at 473.

2. *Fernandez*

Similarly, in *Fernandez*, a defendant serving a life sentence moved for a sentence reduction under § 3582(c)(1)(A)(i). 608 U.S. at 415–18. This time, the defendant alleged that he was innocent of his murder-for-hire and firearm convictions and his innocence constituted an "extraordinary and compelling" reason for a sentence reduction. *Id.* at 417–18. The district court granted the motion based on serious doubts about the evidence used to establish the defendant's guilt. *Id.* at 418. The district court reduced the defendant's sentence from life to time served. *United States v. Fernandez*, 104 F.4th 420, 426 (2d Cir. 2024).

Reversing the reduced sentence, the Second Circuit held that the defendant's innocence claim (1) was in effect a collateral attack on the validity of his conviction, (2) could not serve as an "extraordinary and compelling" reason for a § 3582(c)(1)(A)(i) sentence reduction, and (3) must be raised in a § 2255 motion. *Fernandez*, 608 U.S. at 418; *Fernandez*, 104 F.4th at 429–33.

Affirming the Second Circuit, the Supreme Court explained that, even though the defendant was seeking a sentence reduction and was not seeking to vacate his conviction, the defendant was in effect collaterally attacking the validity of his conviction, which must be brought under § 2255, not § 3582(c)(1)(A)(i). *See Fernandez*, 608 U.S. at 419–31.

The Supreme Court emphasized that § 2255 imposed "tight procedural constraints" on collateral attacks to a conviction, and prior decisions made clear that defendants could not use other statutory mechanisms to "circumvent" those § 2255 constraints. *Id.* at 419–21 (citing *Preiser v. Rodriguez*, 411 U.S. 475 (1973); *Gonzalez v. Crosby*, 545 U.S. 524 (2005)). The Supreme Court added, "Much like the prisoners in *Preiser* and *Gonzalez*, Fernandez has pursued a collateral attack outside the rigorous habeas framework," and, like in those cases, "the [§ 3582(c)(1)(A)(i)] workaround is impermissible."[3] *Id.* at 421.

The Supreme Court pointed out that, unlike § 2255, § 3582(c) does not have any (1) "time limit," (2) "numerical cap on motions," or (3) "bar to raising issues waived or already decided on direct appeal," which meant that allowing a prisoner to collaterally attack his conviction through § 3582(c) allows him to "bypass" and "override" § 2255. *Id.* at 422. It said, "We will not set § 3582 and § 2255 at cross-purposes when we can construe them 'in harmony.'" *Id.* (quoting *Dist. Att'y's Off. for Third Jud. Dist. v.*

[3] In *Preiser*, the Supreme Court held that state prisoners could not use 42 U.S.C. § 1983 to challenge the deprivation of good-time credits because habeas corpus under 28 U.S.C. § 2254 was the appropriate remedy to attack the length of their confinement. 411 U.S. at 482–500. In the same vein, *Gonzalez* held that state prisoners may not use Federal Rule of Civil Procedure 60(b) to attack a district court's "previous resolution of a [§ 2254 habeas corpus] claim on the merits" or to present new § 2254 claims because doing so would allow state prisoners to circumvent 28 U.S.C. § 2244(b), which requires prior authorization for second or successive habeas applications. 545 U.S. at 528–38 (emphasis omitted).

Osborne, 557 U.S. 52, 66 (2009)). The Supreme Court emphasized that when § 3582(c) was read "against the backdrop" of § 2255, it was clear that "the supposed invalidity of a conviction" could not constitute an "extraordinary and compelling" reason for a § 3582(c)(1)(A)(i) sentence reduction. *Id.* at 422–23.

The Supreme Court also instructed that a "reason" could not be "compelling" under § 3582(c)(1)(A)(i) "if Congress has channeled it through the postconviction statutes," especially since the focus of § 3582(c)(1)(A)(i) was "on granting mercy rather than righting legal wrongs." *Id.* at 424. The Supreme Court added that "[t]he heartland 'extraordinary and compelling reasons' that might warrant an early release from prison—age, illness, a child left with no guardian—bear no resemblance to the grounds for relief under § 2255." *Id.* at 426–27. The defendant could not "deploy § 3582 to blunt what he perceives to be the sharp edges of § 2255." *Id.* at 427. The Supreme Court clarified, "[t]hat Congress has chosen to make § 2255 a high bar is not a compelling reason to reduce the sentences of prisoners who fall short." *Id.* at 424.

In *Fernandez*, the Supreme Court also rejected the defendant's argument that he was not attempting to circumvent § 2255 because he was proceeding under § 3582(c)(1)(A)(i), which provided fundamentally different relief. *Id.* at 427–28. The Supreme Court reasoned that this argument was undermined by the "mismatch" between the error the defendant alleged and the remedy he was seeking. *Id.* It explained that the defendant was in effect challenging the validity of his conviction, and the proper

remedy for such a claim was vacatur of his conviction under § 2255, not a sentence reduction under § 3582(c)(1)(A)(i). *Id.* The Supreme Court added: "When, as here, a prisoner 'attacks the validity of his confinement' and 'seeks either immediate release from that confinement or the shortening of its duration,' his claim belongs under the umbrella of the postconviction statutes." *Id.* (citation modified) (quoting *Preiser*, 411 U.S. at 489).

We recognize that the district court granted the defendant Fernandez's § 3582(c)(1)(A)(i) motion in 2022, before the Sentencing Commission promulgated the 2023 policy statement in § 1B1.13(b)(6). *Id.* at 417–18. Still, in a footnote, in *Fernandez* the Supreme Court explained that, while § 1B1.13(b)(6) was "not relevant here," that policy statement "exceeds the Commission's authority" under *Rutherford*. *Id.* at 426 n.5 (citing *Rutherford*, 608 U.S. at 472–73).

3. Analysis

Given *Rutherford* and *Fernandez*, we conclude that Taylor's claim (1) is in effect a challenge to the validity of his 2004 life sentence; (2) must be raised through a § 2255 motion; and (3) cannot, as a matter of law, constitute an "extraordinary and compelling" reason for a sentence reduction under § 3582(c)(1)(A)(i). And the policy statement in § 1B1.13(b)(6) is invalid to the extent it provides that Taylor's alleged sentencing error may constitute an "extraordinary and compelling" reason for a sentence reduction under § 3582(c)(1)(A)(i). Even if Taylor

satisfied § 1B1.13(b)(6) on its own terms, the district court erred by reducing Taylor's sentence under § 3582(c)(1)(A)(i).

For starters, *Rutherford* and *Fernandez* together emphasize that (1) the heartland of compassionate release under § 3582(c)(1)(A)(i) has long been confined to a defendant's personal circumstances, (2) § 3582(c)(1)(A)(i) must be read with and be consistent with other governing statutes, and (3) § 3582(c)(1)(A)(i) cannot be used as a workaround for those other governing statutes, such as § 2255 in *Fernandez* and the non-retroactive § 924(c) amendment in *Rutherford*. *See Fernandez*, 608 U.S. at 419–31; *Rutherford*, 608 U.S. at 465–73. Instead, a defendant's claims challenging the validity or length of his confinement are collateral attacks that must be raised under § 2255, not § 3582(c)(1)(A)(i).

Although arguing a "gross disparity" in his sentence, Taylor's claim in substance is that his life sentence is illegal because two subsequent judicial decisions rendered him ineligible for an ACCA-enhanced sentence. In fact, in his amended § 3582(c)(1)(A)(i) motion Taylor explicitly argued that he "does not have the requisite three felony convictions to support an ACCA enhancement," and thus his life sentence was "illegally long." Taylor's claim is a quintessential attack on his life sentence (1) for which the proper vehicle for relief is § 2255, and (2) which cannot constitute an "extraordinary and compelling" reason for a § 3582(c)(1)(A)(i) sentence reduction. *See Fernandez*, 608 U.S. at 419–30. Indeed, the type of legal error that Taylor claims—his

ACCA-enhanced life sentence exceeds the statutory-maximum penalty for his § 922(g)(1) crime—is clearly cognizable under § 2255.[4] *See* 28 U.S.C. § 2255(a) (permitting a prisoner in federal custody to move to vacate his sentence if it "was in excess of the maximum authorized by law"); *Spencer v. United States*, 773 F.3d 1132, 1143 (11th Cir. 2014) (en banc) ("We can collaterally review a misapplication of the Armed Career Criminal Act" under § 2255 where "that misapplication results in a sentence that exceeds the statutory maximum.").

We recognize that *Fernandez* involved a defendant's claim of alleged factual innocence of his convictions, rather than an alleged legal error in his sentence. *Fernandez*, 608 U.S. at 417–18. Nonetheless, the Supreme Court's underlying reasoning in *Fernandez* applies equally here because (1) Taylor likewise sought and was granted a § 3582(c)(1)(A)(i) sentence reduction; (2) Taylor's claim is in effect a collateral attack on the validity of his sentence; and (3) § 2255 is the proper vehicle for relief for that sentencing-error claim. *See id.* at 419–30.

Moreover, that *Fernandez* was not narrowly limited to convictions is evident given its reliance on three bases for its holding: (1) the general procedural requirements of § 2255, which apply to all motions filed under that statute; (2) the differences in remedies between § 2255 and § 3582(c)(1)(A)(i) motions; and

[4] We need not decide whether under *Said* and *Latson* Taylor's prior Florida marijuana conviction is not a qualifying ACCA predicate conviction because the government does not raise that issue on appeal.

(3) prior Supreme Court precedent establishing that the federal habeas corpus statutes are the sole mechanism for relief for claims that are close to the core of habeas corpus. *See id.* (citing *Preiser*, 411 U.S. at 489–90; *Gonzalez*, 545 U.S. at 529, 531–32).

First, the Supreme Court's analysis in *Fernandez* was based on the different procedural requirements of § 3582(c)(1)(A)(i) and § 2255. *See id.* at 421–24. The fundamental problem with the defendant's § 3582(c)(1)(A)(i) motion was that Congress intended for collateral attacks to a conviction to be brought through § 2255. *See id.* The Supreme Court reasoned that, because of that fact, the defendant could not circumvent the "tight procedural constraints" that Congress created for § 2255 motions. *Id.* This analysis applies equally to defendants' collateral attacks on sentences that can be raised through § 2255.

Second, the Supreme Court pointed out that § 3582(c)(1)(A)(i) and § 2255 provide fundamentally different relief for different reasons: § 3582(c)(1)(A)(i) provides "a little less prison time" for the purpose of "granting mercy rather than righting legal wrongs," while § 2255's remedy is vacatur where a conviction is unlawful. *Id.* at 424, 427–28 ("If a conviction is invalid, the fitting remedy is to vacate it, as § 2255 allows. That § 3582[(c)(1)(A)(i)] does not offer this remedy is evidence that it is not a suitable vehicle for the claim."). The same reasoning applies to defendants' sentencing-error claims that are cognizable under § 2255.

If a sentence is invalid because of a sentencing error that can be brought under § 2255, then the § 2255 remedy usually is vacatur

of the sentence and a new sentence. *See* 28 U.S.C. § 2255(b). In contrast, § 3582(c) simply states that a district court "may reduce the term of imprisonment . . . after considering the factors set forth in section 3553(a) to the extent that they are applicable." 18 U.S.C. § 3582(c)(1)(A) (emphasis added). In a § 3582(c)(1)(A)(i) case, a district court finding a sentencing error would not be required to correct the error or lower the sentence at all.[5] The extent to which a district court reduces an eligible defendant's sentence, or its decision not to reduce that sentence at all, is discretionary. *See* 18 U.S.C. § 3582(c)(1)(A); *Giron*, 15 F.4th at 1345; *United States v. Caraballo-Martinez*, 866 F.3d 1233, 1238 (11th Cir. 2017). This remedy mismatch makes clear that *Fernandez* forecloses § 3582(c)(1)(A)(i) relief based on Taylor's sentencing-error claim for which § 2255 is the proper vehicle for relief. *See* 608 U.S. at 424, 427–28.

Lastly, in concluding that § 2255, not § 3582(c)(1)(A)(i) was the sole mechanism for raising a collateral challenge to a conviction, the Supreme Court relied on *Preiser*, which held that state prisoners could not challenge via 42 U.S.C. § 1983 the

[5] Take this case for example. Based on his *Said* and *Latson* claim, the district court concluded Taylor did not have three prior ACCA qualifying predicates and reduced Taylor's life sentence to 360 months. However, if Taylor was sentenced without an ACCA enhancement, as he contends *Said* and *Latson* now require, his 30-year reduced sentence would still be well above the statutory maximum for his § 922(g)(1) offense (10 years for the 2004 version of § 922(g)(1) and 15 years for the current version). The district court's discretionary sentence reduction under § 3582(c)(1)(A)(i) therefore did not correct Taylor's alleged ACCA error.

constitutionality of the deprivation of "good-conduct-time credits" for their sentences because the federal habeas statute (28 U.S.C. § 2254) was the sole vehicle for such a challenge. *Id.* at 420–21, 427–28 (citing *Preiser*, 411 U.S. at 488–90). The Supreme Court's reliance on *Preiser*, which (1) was not limited to a conviction challenge and (2) concerned a sentence-related issue, indicates that *Fernandez*'s analysis was not limited to convictions and included collateral challenges to sentences. *See id.*; *Preiser*, 411 U.S. at 489 (explaining the relevant good-time credit challenge "is just as close to the core of habeas corpus as an attack on the prisoner's conviction, for it goes directly to the constitutionality of his physical confinement itself and seeks either immediate release from that confinement or the shortening of its duration").

Importantly too, multiple statements in *Fernandez* show the Supreme Court's analysis was predominantly based on the more general principle that a defendant collaterally attacking the validity of his confinement must proceed under § 2255 instead of § 3582(c)(1)(A)(i). *See, e.g.*, 608 U.S. at 427–28 ("When, as here, a prisoner 'attack[s] the validity of his confinement' and 'seeks either immediate release from that confinement or the shortening of its duration,' his claim belongs under the umbrella of the postconviction statutes." (quoting *Preiser*, 411 U.S. at 489)); *id.* at 421 ("Much like the prisoners in *Preiser* and *Gonzalez*, Fernandez has pursued a collateral attack outside the rigorous habeas framework. And as in those cases, the workaround is impermissible."); *id.* at 422 (explaining that allowing defendants to bring collateral attacks under § 3582(c)(1)(A)(i) "would enable

[them] not only to bypass § 2255, but also to override it"); *id.* ("We will not set § 3582 and § 2255 at cross-purposes when we can construe them in harmony." (quotation marks omitted)); *id.* at 424 ("A reason is not 'compelling' if Congress has channeled it through the postconviction statutes. . . . That Congress has chosen to make § 2255 a high bar is not a compelling reason to reduce the sentences of prisoners who fall short."); *id.* ("The name for § 3582(c)(1)(A)—'Compassionate Release'—highlights its focus on granting mercy rather than righting legal wrongs.").

As a final matter, we address the policy statement in § 1B1.13(b)(6) on which the district court relied. To the extent that § 1B1.13(b)(6) can be interpreted to extend to alleged sentencing errors cognizable under § 2255, § 1B1.13(b)(6) is invalid because it is inconsistent with (1) the text and purpose of § 3582(c)(1)(A)(i), *see Rutherford*, 608 U.S. at 472–73, and (2) the statutory scheme Congress set up for collateral attacks to the validity of sentences in § 2255, *see Fernandez*, 608 U.S. at 419–30.[6]

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[6] Though *Rutherford* and *Fernandez* resolve the issues here, seven courts of appeals had already held that an alleged sentencing error for which § 2255 was the proper vehicle for relief could not constitute an "extraordinary and compelling" reason for a § 3582(c)(1)(A)(i) sentence reduction. *See United States v. Jenkins*, 50 F.4th 1185, 1200–04 (D.C. Cir. 2022); *United States v. Martin*, 21 F.4th 944, 945–46 (7th Cir. 2021); *United States v. Ferguson*, 55 F.4th 262, 269–72 (4th Cir. 2022); *United States v. Escajeda*, 58 F.4th 184, 187–88 (5th Cir. 2023); *United States v. West*, 70 F.4th 341, 346–48 (6th Cir. 2023); *United States v. Crandall*, 25 F.4th 582, 586 (8th Cir. 2022); *United States v. Wesley*, 60 F.4th 1277, 1281–89 (10th Cir. 2023). In *Fernandez*, the Supreme Court agreed and rejected two decisions holding otherwise. *See Fernandez*, 608 U.S. at 418–31

VI. CONCLUSION

We reverse the district court's order granting Taylor's § 3582(c)(1)(A)(i) motion and reducing Taylor's life sentence on his § 922(g)(1) conviction. On remand, we direct the district court to vacate Taylor's amended sentence entered on May 13, 2024, and reinstate Taylor's original sentence entered on June 28, 2004.

REVERSED and REMANDED.

& n.2; *United States v. Trenkler*, 47 F.4th 42, 46–49 (1st Cir. 2022), *abrogated by Fernandez*, 608 U.S. at 415–31; *United States v. Roper*, 72 F.4th 1097, 1100–03 (9th Cir. 2023), *abrogated by Fernandez*, 608 U.S. at 415–31.