

**U.S. Sentencing Commission
Part B of the 2023 Criminal History Amendment
Retroactivity Data Report**



March 2024

Introduction

As part of its ongoing mission, the United States Sentencing Commission provides Congress, the judiciary, the executive branch, and the general public with data extracted from and based on sentencing documents submitted by courts to the Commission.¹ Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.²

The Commission also reports preliminary data for an on-going fiscal year in order to provide real-time analysis of sentencing practices in the federal courts. Since 2005, the Commission has published a series of quarterly reports that are similar in format and methodology to tables and figures produced in the *Sourcebook of Federal Sentencing Statistics*. The quarterly reports contain cumulative data for the on-going fiscal year (i.e., data from the start of the fiscal year through the most current quarter).

On three separate occasions in recent years the Commission has amended the federal sentencing guidelines to lower the punishment for certain drug trafficking crimes, and also voted to apply those reductions retroactively.³ The Commission has also periodically reported on the number of offenders who received a sentence reduction under those retroactive amendments and presented other data regarding those cases.⁴

On April 27, 2023, the United States Sentencing Commission submitted to Congress Amendment 821 to the federal sentencing guidelines revising two criminal history provisions found in Chapter Four of the *Guidelines Manual*. Part A of the amendment made targeted changes to reduce the impact of providing additional criminal history points for offenders under a criminal justice sentence (commonly known as "status points"). Part B provided a two-level downward adjustment for certain offenders with zero criminal history points under the guidelines.

Amendment 821 went into effect on November 1, 2023. On August 24, 2023, the Commission voted to give retroactive effect to Amendment 821 beginning on February 1, 2024. To effectuate that decision, the Commission promulgated Amendment 825, which added Amendment 821 to the list of amendments in §1B1.10 (Reduction in Term of Imprisonment as a Result of an Amended Guideline Range)(Policy Statement) that apply retroactively and added a

¹ In each federal felony or Class A misdemeanor case, sentencing courts are required to submit the following documents to the Commission: the Judgment and Commitment Order, the Statement of Reasons, the plea agreement (if applicable), the indictment or other charging document, and the Presentence Report. *See* 28 U.S.C. § 994(w).

² Electronic copies of the 1995-2023 ANNUAL REPORT and SOURCEBOOK OF FEDERAL SENTENCING STATISTICS are available at the Commission's website at www.ussc.gov.

³ *See* Amendment 706, as amended by Amendment 711, and made retroactive by Amendment 713 (the 2007 Crack Cocaine Amendment); Amendment 750, made retroactive by Amendment 759 (the 2010 Fair Sentencing Act Amendment); and Amendment 782 (the 2014 Drug Guidelines Amendment, often referred to as "Drugs Minus Two"), made retroactive by Amendment 788.

⁴ These retroactivity analyses and data reports are available at <https://www.ussc.gov/research/datareports/retroactivity-analyses-and-data-reports>.

new provision at subsection (e)(2) of that policy statement providing, “The court shall not order a reduced term of imprisonment based on Part A or Part B, Subpart 1 of Amendment 821 unless the effective date of the court’s order is February 1, 2024, or later.”.

Under section 3582(c)(2) of title 18, courts are authorized to reduce the sentences of incarcerated persons pursuant to any retroactive guideline amendment. The data in this report represents information concerning motions for a reduced sentence pursuant to the retroactive application of Part B of Amendment 821 decided through March 11, 2024 and for which court documentation was received, coded, and edited at the Commission by March 15, 2024.

Table 1

**MOTIONS FOR RETROACTIVE APPLICATION OF PART B
OF THE 2023 CRIMINAL HISTORY AMENDMENT BY DISTRICT ¹**

District	Total		Granted		Denied		District	Total		Granted		Denied	
	N		N	%	N	%		N		N	%	N	%
TOTAL	2,280		1,087	47.7	1,193	52.3							
Southern Texas	287		177	61.7	110	38.3	Northern West Virginia	11		5	45.5	6	54.5
Western Texas	285		232	81.4	53	18.6	Western Missouri	11		4	36.4	7	63.6
Northern Texas	212		45	21.2	167	78.8	Southern Alabama	10		1	10.0	9	90.0
Southern Florida	176		49	27.8	127	72.2	Maine	9		2	22.2	7	77.8
Puerto Rico	153		48	31.4	105	68.6	Delaware	9		1	11.1	8	88.9
Southern New York	64		4	6.3	60	93.8	Eastern North Carolina	9		7	77.8	2	22.2
Eastern Kentucky	56		17	30.4	39	69.6	Western Washington	9		4	44.4	5	55.6
Eastern Texas	44		31	70.5	13	29.5	Rhode Island	8		2	25.0	6	75.0
Northern Oklahoma	38		17	44.7	21	55.3	Northern Ohio	8		4	50.0	4	50.0
Northern Georgia	34		31	91.2	3	8.8	Southern Indiana	8		6	75.0	2	25.0
Middle Florida	31		26	83.9	5	16.1	Eastern Oklahoma	8		5	62.5	3	37.5
Eastern Arkansas	30		16	53.3	14	46.7	District of Columbia	7		3	42.9	4	57.1
Western New York	29		8	27.6	21	72.4	South Carolina	7		7	100.0	0	0.0
Western North Carolina	29		11	37.9	18	62.1	Middle Louisiana	7		6	85.7	1	14.3
Southern Illinois	28		18	64.3	10	35.7	Eastern Tennessee	7		6	85.7	1	14.3
Southern Ohio	26		23	88.5	3	11.5	Northern New York	6		6	100.0	0	0.0
Southern Iowa	26		3	11.5	23	88.5	Western Kentucky	6		3	50.0	3	50.0
Nebraska	26		15	57.7	11	42.3	Western Arkansas	6		0	0.0	6	100.0
Southern Georgia	26		20	76.9	6	23.1	Idaho	6		6	100.0	0	0.0
Eastern Virginia	25		14	56.0	11	44.0	Eastern Wisconsin	5		0	0.0	5	100.0
Massachusetts	23		12	52.2	11	47.8	Eastern California	5		3	60.0	2	40.0
Utah	22		10	45.5	12	54.5	Northern California	5		3	60.0	2	40.0
New Jersey	21		14	66.7	7	33.3	Montana	5		1	20.0	4	80.0
Western Oklahoma	21		3	14.3	18	85.7	Wyoming	5		0	0.0	5	100.0
Eastern Louisiana	20		14	70.0	6	30.0	Middle Georgia	5		5	100.0	0	0.0
Arizona	20		0	0.0	20	100.0	Northern Illinois	4		2	50.0	2	50.0
Middle Pennsylvania	19		7	36.8	12	63.2	Southern California	4		3	75.0	1	25.0
Central Illinois	19		0	0.0	19	100.0	Northern Florida	4		1	25.0	3	75.0
Northern Indiana	19		5	26.3	14	73.7	Eastern New York	3		1	33.3	2	66.7
Western Louisiana	18		6	33.3	12	66.7	Hawaii	3		2	66.7	1	33.3
Eastern Michigan	18		9	50.0	9	50.0	Western Tennessee	2		0	0.0	2	100.0
Northern Iowa	18		4	22.2	14	77.8	Nevada	2		1	50.0	1	50.0
Western Virginia	17		8	47.1	9	52.9	Oregon	2		2	100.0	0	0.0
Middle North Carolina	16		8	50.0	8	50.0	Western Wisconsin	1		0	0.0	1	100.0
Eastern Missouri	16		5	31.3	11	68.8	Guam	1		1	100.0	0	0.0
South Dakota	16		5	31.3	11	68.8	New Mexico	1		0	0.0	1	100.0
New Hampshire	14		13	92.9	1	7.1	Connecticut	0		0	--	0	--
Southern Mississippi	14		3	21.4	11	78.6	Vermont	0		0	--	0	--
Western Michigan	14		1	7.1	13	92.9	Western Pennsylvania	0		0	--	0	--
Northern Alabama	14		6	42.9	8	57.1	Virgin Islands	0		0	--	0	--
Minnesota	13		5	38.5	8	61.5	Maryland	0		0	--	0	--
Central California	13		6	46.2	7	53.8	Northern Mississippi	0		0	--	0	--
Colorado	13		13	100.0	0	0.0	Middle Tennessee	0		0	--	0	--
Middle Alabama	13		7	53.8	6	46.2	North Dakota	0		0	--	0	--
Southern West Virginia	12		4	33.3	8	66.7	Alaska	0		0	--	0	--
Eastern Washington	12		4	33.3	8	66.7	Northern Mariana Islands	0		0	--	0	--
Eastern Pennsylvania	11		7	63.6	4	36.4	Kansas	0		0	--	0	--

SOURCE: U.S. Sentencing Commission, Amendment 821 Datafile.

Table 2

**MOTIONS FOR RETROACTIVE APPLICATION OF PART B
OF THE 2023 CRIMINAL HISTORY AMENDMENT
BY YEAR OF ORIGINAL SENTENCE¹**

Fiscal Year	Total	Granted		Denied	
	N	N	%	N	%
TOTAL	2,279	1,087	47.7	1,192	52.3
2024	8	1	12.5	7	87.5
2023	675	362	53.6	313	46.4
2022	584	328	56.2	256	43.8
2021	298	165	55.4	133	44.6
2020	150	70	46.7	80	53.3
2019	143	59	41.3	84	58.7
2018	108	37	34.3	71	65.7
2017	87	23	26.4	64	73.6
2016	57	15	26.3	42	73.7
2015	45	9	20.0	36	80.0
2014	24	6	25.0	18	75.0
2013	24	0	0.0	24	100.0
2012	17	3	17.6	14	82.4
2011	13	3	23.1	10	76.9
2010	13	2	15.4	11	84.6
2009	8	2	25.0	6	75.0
2008	2	0	0.0	2	100.0
2007	6	1	16.7	5	83.3
2006	4	1	25.0	3	75.0
2005	0	0	--	0	--
2004	4	0	0.0	4	100.0
2003	0	0	--	0	--
2002	3	0	0.0	3	100.0
2001	2	0	0.0	2	100.0
2000	1	0	0.0	1	100.0
1999	1	0	0.0	1	100.0
1998	2	0	0.0	2	100.0
1997	0	0	--	0	--
1996	0	0	--	0	--
1995	0	0	--	0	--
1994	0	0	--	0	--
1993	0	0	--	0	--
1992	0	0	--	0	--

¹ Of the 2,280 cases reported to the Commission with motion status information, one was excluded from this analysis because the case cannot be matched with an original case in the Commission's records.

SOURCE: U.S. Sentencing Commission, Amendment 821 Datafile.

Table 3

**ORIGIN OF GRANTED MOTIONS FOR RETROACTIVE APPLICATION OF PART B
OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

CIRCUIT	Total	Defendant ²		Director BOP		Courts	
	N	N	%	N	%	N	%
TOTAL	1,083	606	56.0	0	0.0	477	44.0
D.C. CIRCUIT	3	3	100.0	0	0.0	0	0.0
FIRST CIRCUIT	77	62	80.5	0	0.0	15	19.5
SECOND CIRCUIT	19	13	68.4	0	0.0	6	31.6
THIRD CIRCUIT	27	27	100.0	0	0.0	0	0.0
FOURTH CIRCUIT	64	44	68.8	0	0.0	20	31.3
FIFTH CIRCUIT	513	182	35.5	0	0.0	331	64.5
SIXTH CIRCUIT	63	36	57.1	0	0.0	27	42.9
SEVENTH CIRCUIT	31	31	100.0	0	0.0	0	0.0
EIGHTH CIRCUIT	57	39	68.4	0	0.0	18	31.6
NINTH CIRCUIT	35	33	94.3	0	0.0	2	5.7
TENTH CIRCUIT	48	39	81.3	0	0.0	9	18.8
ELEVENTH CIRCUIT	146	97	66.4	0	0.0	49	33.6

¹ Of the 1,087 cases in which the court granted a motion for a sentence reduction due to the retroactive application of Part B of the 2023 Criminal History Amendment, four cases were excluded from this analysis because the information received by the Commission prevented a determination of motion origin.

² In four cases, documents provided to the Commission indicated that an attorney for the government made a joint motion. Those cases appear to be clerical errors.

SOURCE: U.S. Sentencing Commission, Amendment 821 Datafile.

Table 4

**DEMOGRAPHIC CHARACTERISTICS FOR INDIVIDUALS
MAKING MOTIONS FOR RETROACTIVE APPLICATION OF
PART B OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

Demographics	Granted		Denied	
	N	%	N	%
Race/Ethnicity				
White	155	14.3	215	18.1
Black	110	10.1	207	17.4
Hispanic	801	73.7	721	60.6
Other	21	1.9	47	3.9
Total	1,087	100.0	1,190	100.0
Citizenship				
U.S. Citizen	567	52.2	705	59.3
Non-Citizen	520	47.8	484	40.7
Total	1,087	100.0	1,189	100.0
Gender				
Male	847	77.9	1,008	84.5
Female	240	22.1	185	15.5
Total	1,087	100.0	1,193	100.0
Average Age at Original Sentence		37	39	
Average Age at Motion Decision		40	43	

¹ Of the 2,280 cases reported to the Commission with motion status information, cases were excluded from each section of this table due to the following reasons: missing race information (3), missing citizenship information (4), and missing age information (1).

SOURCE: U.S. Sentencing Commission, Amendment 821 Datafile.

Table 5

**SELECTED SENTENCING FACTORS FOR INDIVIDUALS
MAKING MOTIONS FOR RETROACTIVE APPLICATION OF
PART B OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

Sentencing Factors	Granted	Denied
	%	%
Weapon^{2,3}		
Weapon Specific Offense Characteristic	0.9	26.3
Firearms Mandatory Minimum Applied	0.0	7.6
Safety Valve²	83.5	27.4
Guideline Role Adjustments²		
Aggravating Role (USSG §3B1.1)	0.3	22.5
Mitigating Role (USSG §3B1.2)	27.6	3.5
Obstruction Adjustment (USSG §3C1.1)	2.9	5.4
Sentence Relative to the Guideline Range		
Within Range	66.3	42.4
Above Range	0.5	4.5
Below Range	33.2	53.1
Criminal History Category		
I	100.0	82.1
II	0.0	7.7
III	0.0	4.3
IV	0.0	2.3
V	0.0	1.0
VI	0.0	2.6
Career Offender (§4B1.1)²	0.0	1.0

¹ Of the 2,280 cases reported to the Commission with motion status information, one was excluded from this analysis because the case cannot be matched with an original case in the Commission's records.

² This section was limited to the 2,234 cases with complete guideline application information.

³ In five cases the court applied the weapon specific offense characteristic and the offender was also convicted of a firearms offense carrying a mandatory minimum penalty.

SOURCE: U.S. Sentencing Commission, Amendment 821 Datafile.

Table 6**TYPE OF CRIME FOR INDIVIDUALS RECEIVING RETROACTIVE
APPLICATION OF PART B OF THE 2023 CRIMINAL HISTORY AMENDMENT**

TYPE OF CRIME	N	%
TOTAL	1,087	100.0
Administration of Justice	4	0.4
Antitrust	0	0.0
Arson	0	0.0
Assault	0	0.0
Bribery/Corruption	15	1.4
Burglary/Trespass	0	0.0
Child Pornography	0	0.0
Commercialized Vice	3	0.3
Drug Possession	0	0.0
Drug Trafficking	875	80.5
Environmental	0	0.0
Extortion/Racketeering	0	0.0
Firearms	0	0.0
Food and Drug	0	0.0
Forgery/Counter/Copyright	1	0.1
Fraud/Theft/Embezzlement	108	9.9
Immigration	16	1.5
Individual Rights	0	0.0
Kidnapping	1	0.1
Manslaughter	0	0.0
Money Laundering	43	4.0
Murder	1	0.1
National Defense	0	0.0
Obscenity/Other Sex Offenses	3	0.3
Prison Offenses	1	0.1
Robbery	1	0.1
Sexual Abuse	0	0.0
Stalking/Harassing	0	0.0
Tax	15	1.4
Other	0	0.0

SOURCE: U.S. Sentencing Commission, Amendment 821 Datafile.

Table 7**TYPE OF CRIME FOR INDIVIDUALS DENIED RETROACTIVE
APPLICATION OF PART B OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

TYPE OF CRIME	N	%
TOTAL	1,192	100.0
Administration of Justice	6	0.5
Antitrust	0	0.0
Arson	0	0.0
Assault	9	0.8
Bribery/Corruption	13	1.1
Burglary/Trespass	0	0.0
Child Pornography	11	0.9
Commercialized Vice	0	0.0
Drug Possession	0	0.0
Drug Trafficking	767	64.3
Environmental	0	0.0
Extortion/Racketeering	0	0.0
Firearms	50	4.2
Food and Drug	0	0.0
Forgery/Counter/Copyright	0	0.0
Fraud/Theft/Embezzlement	137	11.5
Immigration	27	2.3
Individual Rights	1	0.1
Kidnapping	10	0.8
Manslaughter	1	0.1
Money Laundering	70	5.9
Murder	19	1.6
National Defense	3	0.3
Obscenity/Other Sex Offenses	4	0.3
Prison Offenses	0	0.0
Robbery	21	1.8
Sexual Abuse	30	2.5
Stalking/Harassing	2	0.2
Tax	11	0.9
Other	0	0.0

¹ Of the 1,193 cases in which the court denied a motion for a sentence reduction due to the retroactive application of Part B of the 2023 Criminal History Amendment, one was excluded from this analysis because the case cannot be matched with an original case in the Commission's records.

Table 8

**EXTENT OF SENTENCE REDUCTIONS DUE TO RETROACTIVE
APPLICATION OF PART B OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

CIRCUIT	N	Mean			
		Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence ²	Percent Decrease From Current Sentence
TOTAL	985	74	61	12	17.4
D.C. CIRCUIT	0	--	--	--	--
District of Columbia	0	--	--	--	--
FIRST CIRCUIT	72	91	75	16	17.2
Maine	2	--	--	--	--
Massachusetts	12	60	49	10	17.2
New Hampshire	8	81	71	11	16.2
Puerto Rico	48	102	83	19	17.9
Rhode Island	2	--	--	--	--
SECOND CIRCUIT	16	63	51	12	20.8
Connecticut	0	--	--	--	--
New York					
Eastern	1	--	--	--	--
Northern	6	47	36	11	28.3
Southern	4	61	50	11	18.3
Western	5	89	76	13	13.0
Vermont	0	--	--	--	--
THIRD CIRCUIT	20	50	42	8	16.9
Delaware	1	--	--	--	--
New Jersey	14	49	41	9	18.1
Pennsylvania					
Eastern	1	--	--	--	--
Middle	4	57	49	8	12.7
Western	0	--	--	--	--
Virgin Islands	0	--	--	--	--
FOURTH CIRCUIT	60	64	53	11	17.9
Maryland	0	--	--	--	--
North Carolina					
Eastern	7	70	57	13	18.2
Middle	8	84	74	10	13.0
Western	10	65	53	12	20.6
South Carolina	7	47	37	10	21.5
Virginia					
Eastern	12	49	39	10	18.3
Western	7	101	88	13	11.8
West Virginia					
Northern	5	33	26	7	21.5
Southern	4	56	45	11	19.7

Table 8 (cont.)

CIRCUIT	District	N	Mean			
			Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence ²	Percent Decrease From Current Sentence
FIFTH CIRCUIT		504	74	61	13	17.4
Louisiana						
Eastern		11	47	39	8	20.3
Middle		5	66	62	4	7.4
Western		6	88	76	12	13.4
Mississippi						
Northern		0	--	--	--	--
Southern		3	33	26	7	27.3
Texas						
Eastern		30	92	74	18	19.2
Northern		44	121	100	21	17.4
Southern		173	80	67	13	16.1
Western		232	59	49	10	18.2
SIXTH CIRCUIT		41	73	61	12	18.0
Kentucky						
Eastern		16	67	56	10	17.4
Western		3	65	53	13	19.3
Michigan						
Eastern		6	60	49	11	18.0
Western		1	--	--	--	--
Ohio						
Northern		3	63	50	13	21.2
Southern		12	97	81	16	17.5
Tennessee						
Eastern		0	--	--	--	--
Middle		0	--	--	--	--
Western		0	--	--	--	--
SEVENTH CIRCUIT		24	72	60	13	17.7
Illinois						
Central		0	--	--	--	--
Northern		0	--	--	--	--
Southern		18	78	64	14	18.8
Indiana						
Northern		4	54	46	8	16.3
Southern		2	--	--	--	--
Wisconsin						
Eastern		0	--	--	--	--
Western		0	--	--	--	--
EIGHTH CIRCUIT		43	88	73	14	16.5
Arkansas						
Eastern		16	85	72	13	16.2
Western		0	--	--	--	--
Iowa						
Northern		4	92	79	13	16.0
Southern		3	77	64	13	18.2
Minnesota		0	--	--	--	--
Missouri						
Eastern		2	--	--	--	--
Western		2	--	--	--	--
Nebraska		15	98	81	17	15.5
North Dakota		0	--	--	--	--
South Dakota		1	--	--	--	--

Table 8 (cont.)

CIRCUIT	District	N	Mean			
			Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence ²	Percent Decrease From Current Sentence
NINTH CIRCUIT		34	59	48	11	18.9
	Alaska	0	--	--	--	--
	Arizona	0	--	--	--	--
	California					
	Central	6	39	32	7	20.5
	Eastern	3	37	30	7	24.4
	Northern	3	47	38	8	15.9
	Southern	3	24	19	5	18.7
	Guam	1	--	--	--	--
	Hawaii	2	--	--	--	--
	Idaho	6	45	37	9	19.2
	Montana	1	--	--	--	--
	Nevada	1	--	--	--	--
	Northern Mariana Islands	0	--	--	--	--
	Oregon	0	--	--	--	--
	Washington					
	Eastern	4	91	75	16	18.1
	Western	4	126	104	22	14.1
TENTH CIRCUIT		40	71	58	13	17.5
	Colorado	5	76	61	15	19.4
	Kansas	0	--	--	--	--
	New Mexico	0	--	--	--	--
	Oklahoma					
	Eastern	5	72	59	14	19.0
	Northern	17	67	55	13	19.1
	Western	3	97	81	17	16.4
	Utah	10	65	55	10	13.5
	Wyoming	0	--	--	--	--
ELEVENTH CIRCUIT		131	74	63	11	16.7
	Alabama					
	Middle	7	89	76	13	17.1
	Northern	6	85	68	17	20.2
	Southern	1	--	--	--	--
	Florida					
	Middle	24	99	83	17	17.3
	Northern	1	--	--	--	--
	Southern	46	71	61	10	15.1
	Georgia					
	Middle	2	--	--	--	--
	Northern	27	69	60	9	15.8
	Southern	17	44	37	8	18.8

¹ Of the 1,087 cases in which the court granted a motion for a sentence reduction due to the retroactive application of Part B of the 2023 Criminal History Amendment, 99 cases were excluded from this analysis because the resulting term of imprisonment could not be determined from the records received by the Commission. Another three cases were excluded because the court document provided that the new sentence was a “time served” sentence without specifying the length of time that had been served.

² The average sentence lengths and the average decrease in months from the current sentence are rounded to the nearest whole number. Consequently, the average decrease in months from the current sentence may not equal the difference between the rounded average current sentence and the rounded average new sentence.

Table 9

**REASONS GIVEN BY SENTENCING COURTS FOR DENIAL OF
MOTION FOR RETROACTIVE APPLICATION OF PART B
OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

REASONS	N	%
Not eligible under §4C1.1(b)	787	55.6
Assigned more than zero criminal history points at sentencing	265	18.7
Firearm possessed, etc. in connection with offense	222	15.7
Aggravating Role adjustment applied (USSG §3B1.1)	155	10.9
Defendant caused substantial financial hardship	32	2.3
Violence or threat of violence used in connection with offense	31	2.2
Conviction was a sex offense	29	2.0
Offense resulted in death or serious bodily injury	24	1.7
21 U.S.C. § 848 conviction	17	1.2
Hate crime adjustment applied (USSG §3A1.1)	11	0.8
Terrorism adjustment applied at sentencing (USSG §3A1.4)	1	0.1
Civil rights guideline applied (USSG §2H1.1)	0	0.0
Serious human rights offense adjustment applied (USSG §3A1.5)	0	0.0
Not eligible under §1B1.10	275	19.5
Current sentence below new guideline range and no §5K1.1	161	11.4
Statutory mandatory minimum penalty controls sentence	79	5.6
Defendant will be released before effective date of amendment	8	0.6
Guideline range does not change	7	0.5
Original sentence has been served	6	0.4
Sentenced to trumping statutory maximum penalty	6	0.4
Career Offender or Armed Career Criminal provisions control sentence	4	0.3
Offender received Amendment 821 reduction at original sentencing	4	0.3
Denied on the merits	134	9.5
18 U.S.C. § 3553(a) factors	89	6.3
Offender has already benefitted from departure or variance	31	2.2
Post-sentencing or post-conviction conduct	7	0.5
Binding plea agreement determined sentence	7	0.5
No reason provided/Other reason	222	15.7
No reason provided	197	13.9
Other	25	1.8

¹ Courts may cite multiple reasons for denying a motion; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 1,418 reasons were cited in the 1,193 cases in which the court denied a motion for a sentence reduction due to the retroactive application of Part B of the 2023 Criminal History Amendment.

SOURCE: U.S. Sentencing Commission, Amendment 821 Datafile.