

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



**May 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.<sup>1</sup> Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.<sup>2</sup>

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.<sup>3</sup> 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.<sup>4</sup>

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

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<sup>1</sup> 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).

<sup>2</sup> 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](http://www.ussc.gov).

<sup>3</sup> *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.

<sup>4</sup> 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 31, 2024 and for which court documentation was received, coded, and edited at the Commission by May 1, 2024.

**Table 1**

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

District	Total		Granted		Denied		District	Total		Granted		Denied	
	N		N	%	N	%		N		N	%	N	%
<b>TOTAL</b>	<b>4,057</b>		<b>2,143</b>	<b>52.8</b>	<b>1,914</b>	<b>47.2</b>							
Western Texas	558		393	70.4	165	29.6	Middle North Carolina	21		13	61.9	8	38.1
Southern Texas	402		253	62.9	149	37.1	Northern Ohio	21		16	76.2	5	23.8
Northern Texas	323		110	34.1	213	65.9	Eastern Washington	20		9	45.0	11	55.0
Southern Florida	268		109	40.7	159	59.3	Eastern Oklahoma	20		11	55.0	9	45.0
Puerto Rico	253		128	50.6	125	49.4	New Hampshire	19		14	73.7	5	26.3
Eastern Texas	125		103	82.4	22	17.6	Eastern North Carolina	19		13	68.4	6	31.6
Southern New York	94		12	12.8	82	87.2	Southern Mississippi	18		4	22.2	14	77.8
Eastern Kentucky	87		29	33.3	58	66.7	Minnesota	18		5	27.8	13	72.2
Middle Florida	67		61	91.0	6	9.0	Middle Alabama	18		8	44.4	10	55.6
Nebraska	63		33	52.4	30	47.6	Northern New York	17		17	100.0	0	0.0
Eastern Michigan	58		30	51.7	28	48.3	Western Pennsylvania	17		15	88.2	2	11.8
Central California	53		30	56.6	23	43.4	Southern West Virginia	16		6	37.5	10	62.5
Eastern Virginia	50		23	46.0	27	54.0	Western Arkansas	16		5	31.3	11	68.8
Northern Oklahoma	49		20	40.8	29	59.2	Maine	15		2	13.3	13	86.7
Utah	46		27	58.7	19	41.3	Western Kentucky	15		7	46.7	8	53.3
Western North Carolina	44		18	40.9	26	59.1	Southern Indiana	15		12	80.0	3	20.0
Eastern Arkansas	43		17	39.5	26	60.5	Montana	15		4	26.7	11	73.3
Southern Iowa	42		8	19.0	34	81.0	Middle Georgia	15		11	73.3	4	26.7
Northern Georgia	40		37	92.5	3	7.5	Delaware	14		4	28.6	10	71.4
New Jersey	39		29	74.4	10	25.6	Hawaii	14		12	85.7	2	14.3
South Dakota	39		7	17.9	32	82.1	Western Washington	14		4	28.6	10	71.4
Arizona	39		5	12.8	34	87.2	Wyoming	14		7	50.0	7	50.0
Massachusetts	38		18	47.4	20	52.6	District of Columbia	13		5	38.5	8	61.5
Western Virginia	38		10	26.3	28	73.7	Northern West Virginia	13		7	53.8	6	46.2
Southern Ohio	38		29	76.3	9	23.7	Western Wisconsin	12		3	25.0	9	75.0
Eastern California	38		33	86.8	5	13.2	Connecticut	11		3	27.3	8	72.7
Southern Illinois	37		21	56.8	16	43.2	Eastern Wisconsin	11		0	0.0	11	100.0
Southern Georgia	37		25	67.6	12	32.4	Northern California	9		7	77.8	2	22.2
Eastern Missouri	36		10	27.8	26	72.2	Rhode Island	8		2	25.0	6	75.0
Western Oklahoma	34		5	14.7	29	85.3	North Dakota	8		7	87.5	1	12.5
Northern Indiana	33		12	36.4	21	63.6	Maryland	7		6	85.7	1	14.3
Western New York	31		9	29.0	22	71.0	Middle Louisiana	7		6	85.7	1	14.3
Colorado	30		16	53.3	14	46.7	Nevada	7		6	85.7	1	14.3
Northern Alabama	29		19	65.5	10	34.5	Northern Florida	7		1	14.3	6	85.7
Eastern Pennsylvania	27		23	85.2	4	14.8	Eastern New York	6		3	50.0	3	50.0
South Carolina	27		24	88.9	3	11.1	Idaho	6		6	100.0	0	0.0
Central Illinois	27		3	11.1	24	88.9	Southern California	5		4	80.0	1	20.0
Northern Iowa	27		7	25.9	20	74.1	Guam	5		5	100.0	0	0.0
Western Missouri	27		6	22.2	21	77.8	Virgin Islands	4		4	100.0	0	0.0
Southern Alabama	27		8	29.6	19	70.4	Northern Mississippi	3		3	100.0	0	0.0
Eastern Louisiana	26		17	65.4	9	34.6	Western Tennessee	2		0	0.0	2	100.0
Kansas	26		26	100.0	0	0.0	Oregon	2		2	100.0	0	0.0
Middle Pennsylvania	25		8	32.0	17	68.0	New Mexico	2		1	50.0	1	50.0
Western Louisiana	25		11	44.0	14	56.0	Northern Mariana Islands	1		0	0.0	1	100.0
Northern Illinois	25		17	68.0	8	32.0	Vermont	0		0	--	0	--
Eastern Tennessee	24		19	79.2	5	20.8	Middle Tennessee	0		0	--	0	--
Western Michigan	23		5	21.7	18	78.3	Alaska	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 SENTENCE<sup>1</sup>**

<b>Fiscal Year</b>	<b>Total</b>	<b>Granted</b>		<b>Denied</b>	
	<b>N</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>4,056</b>	<b>2,143</b>	<b>52.8</b>	<b>1,913</b>	<b>47.2</b>
2024	39	4	10.3	35	89.7
2023	1,324	763	57.6	561	42.4
2022	979	606	61.9	373	38.1
2021	494	294	59.5	200	40.5
2020	276	143	51.8	133	48.2
2019	261	114	43.7	147	56.3
2018	193	77	39.9	116	60.1
2017	138	50	36.2	88	63.8
2016	97	37	38.1	60	61.9
2015	70	18	25.7	52	74.3
2014	40	12	30.0	28	70.0
2013	35	3	8.6	32	91.4
2012	19	5	26.3	14	73.7
2011	22	4	18.2	18	81.8
2010	21	4	19.0	17	81.0
2009	12	2	16.7	10	83.3
2008	5	0	0.0	5	100.0
2007	7	2	28.6	5	71.4
2006	5	2	40.0	3	60.0
2005	1	1	100.0	0	0.0
2004	6	1	16.7	5	83.3
2003	0	0	--	0	--
2002	3	0	0.0	3	100.0
2001	3	1	33.3	2	66.7
2000	3	0	0.0	3	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	--

<sup>1</sup> Of the 4,057 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 AMENDMENT<sup>1</sup>**

<b>CIRCUIT</b>	<b>Total</b>	<b>Defendant<sup>2</sup></b>		<b>Director BOP</b>		<b>Courts</b>	
	<b>N</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>2,136</b>	<b>1,396</b>	<b>65.4</b>	<b>0</b>	<b>0.0</b>	<b>739</b>	<b>34.6</b>
D.C. CIRCUIT	5	5	100.0	0	0.0	0	0.0
FIRST CIRCUIT	164	148	90.2	0	0.0	16	9.8
SECOND CIRCUIT	44	29	65.9	0	0.0	15	34.1
THIRD CIRCUIT	78	73	93.6	0	0.0	5	6.4
FOURTH CIRCUIT	120	94	78.3	0	0.0	26	21.7
FIFTH CIRCUIT	899	408	45.4	0	0.0	491	54.6
SIXTH CIRCUIT	135	79	58.5	0	0.0	56	41.5
SEVENTH CIRCUIT	68	67	98.5	0	0.0	1	1.5
EIGHTH CIRCUIT	105	76	72.4	0	0.0	29	27.6
NINTH CIRCUIT	126	108	85.7	0	0.0	17	13.5
TENTH CIRCUIT	113	100	88.5	0	0.0	13	11.5
ELEVENTH CIRCUIT	279	209	74.9	0	0.0	70	25.1

<sup>1</sup> Of the 2,143 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, seven cases were excluded from this analysis because the information received by the Commission prevented a determination of motion origin.

<sup>2</sup> In nine 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 AMENDMENT<sup>1</sup>**

<b>Demographics</b>	<b>Granted</b>		<b>Denied</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Race/Ethnicity</b>				
White	336	15.7	380	19.9
Black	232	10.8	381	20.0
Hispanic	1,513	70.7	1,073	56.2
Other	60	2.8	75	3.9
<b>Total</b>	<b>2,141</b>	<b>100.0</b>	<b>1,909</b>	<b>100.0</b>
<b>Citizenship</b>				
U.S. Citizen	1,117	52.2	1,230	64.4
Non-Citizen	1,024	47.8	680	35.6
<b>Total</b>	<b>2,141</b>	<b>100.0</b>	<b>1,910</b>	<b>100.0</b>
<b>Gender</b>				
Male	1,716	80.1	1,587	82.9
Female	427	19.9	327	17.1
<b>Total</b>	<b>2,143</b>	<b>100.0</b>	<b>1,914</b>	<b>100.0</b>
<b>Average Age at Original Sentence</b>		<b>38</b>	<b>39</b>	
<b>Average Age at Motion Decision</b>		<b>40</b>	<b>43</b>	

<sup>1</sup> Of the 4,057 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 (7), missing citizenship information (6), 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 AMENDMENT<sup>1</sup>**

<b>Sentencing Factors</b>	<b>Granted</b>	<b>Denied</b>
	<b>%</b>	<b>%</b>
<b>Weapon<sup>2,3</sup></b>		
Weapon Specific Offense Characteristic	1.1	26.2
Firearms Mandatory Minimum Applied	0.0	8.1
<b>Safety Valve<sup>2</sup></b>	82.2	25.8
<b>Guideline Role Adjustments<sup>2</sup></b>		
Aggravating Role (USSG §3B1.1)	0.5	19.6
Mitigating Role (USSG §3B1.2)	22.1	4.3
Obstruction Adjustment (USSG §3C1.1)	3.3	5.8
<b>Sentence Relative to the Guideline Range</b>		
Within Range	63.4	42.0
Above Range	0.9	4.5
Below Range	35.7	53.6
<b>Criminal History Category</b>		
I	100.0	75.3
II	0.0	8.7
III	0.0	5.9
IV	0.0	3.0
V	0.0	2.1
VI	0.0	5.0
<b>Career Offender (§4B1.1)<sup>2</sup></b>	0.0	2.3

<sup>1</sup> Of the 4,057 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.

<sup>2</sup> This section was limited to the 3,981 cases with complete guideline application information.

<sup>3</sup> In 13 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 GRANTED RETROACTIVE  
APPLICATION OF PART B OF THE 2023 CRIMINAL HISTORY AMENDMENT**

<b>TYPE OF CRIME</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>2,143</b>	<b>100.0</b>
<b>Administration of Justice</b>	5	0.2
<b>Antitrust</b>	0	0.0
<b>Arson</b>	0	0.0
<b>Assault</b>	0	0.0
<b>Bribery/Corruption</b>	28	1.3
<b>Burglary/Trespass</b>	0	0.0
<b>Child Pornography</b>	0	0.0
<b>Commercialized Vice</b>	4	0.2
<b>Drug Possession</b>	0	0.0
<b>Drug Trafficking</b>	1,665	77.7
<b>Environmental</b>	0	0.0
<b>Extortion/Racketeering</b>	1	0.0
<b>Firearms</b>	0	0.0
<b>Food and Drug</b>	0	0.0
<b>Forgery/Counter/Copyright</b>	2	0.1
<b>Fraud/Theft/Embezzlement</b>	243	11.3
<b>Immigration</b>	51	2.4
<b>Individual Rights</b>	0	0.0
<b>Kidnapping</b>	1	0.0
<b>Manslaughter</b>	0	0.0
<b>Money Laundering</b>	111	5.2
<b>Murder</b>	1	0.0
<b>National Defense</b>	1	0.0
<b>Obscenity/Other Sex Offenses</b>	6	0.3
<b>Prison Offenses</b>	1	0.0
<b>Robbery</b>	1	0.0
<b>Sexual Abuse</b>	0	0.0
<b>Stalking/Harassing</b>	0	0.0
<b>Tax</b>	22	1.0
<b>Other</b>	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 AMENDMENT<sup>1</sup>**

<b>TYPE OF CRIME</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>1,913</b>	<b>100.0</b>
<b>Administration of Justice</b>	10	0.5
<b>Antitrust</b>	0	0.0
<b>Arson</b>	1	0.1
<b>Assault</b>	14	0.7
<b>Bribery/Corruption</b>	19	1.0
<b>Burglary/Trespass</b>	1	0.1
<b>Child Pornography</b>	29	1.5
<b>Commercialized Vice</b>	1	0.1
<b>Drug Possession</b>	0	0.0
<b>Drug Trafficking</b>	1,182	61.8
<b>Environmental</b>	0	0.0
<b>Extortion/Racketeering</b>	3	0.2
<b>Firearms</b>	99	5.2
<b>Food and Drug</b>	1	0.1
<b>Forgery/Counter/Copyright</b>	0	0.0
<b>Fraud/Theft/Embezzlement</b>	200	10.5
<b>Immigration</b>	65	3.4
<b>Individual Rights</b>	2	0.1
<b>Kidnapping</b>	13	0.7
<b>Manslaughter</b>	1	0.1
<b>Money Laundering</b>	102	5.3
<b>Murder</b>	29	1.5
<b>National Defense</b>	9	0.5
<b>Obscenity/Other Sex Offenses</b>	6	0.3
<b>Prison Offenses</b>	1	0.1
<b>Robbery</b>	46	2.4
<b>Sexual Abuse</b>	57	3.0
<b>Stalking/Harassing</b>	6	0.3
<b>Tax</b>	13	0.7
<b>Other</b>	3	0.2

<sup>1</sup> Of the 1,914 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 AMENDMENT<sup>1</sup>**

CIRCUIT	N	Mean			
		Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence <sup>2</sup>	Percent Decrease From Current Sentence
<b>TOTAL</b>	<b>1,969</b>	<b>78</b>	<b>65</b>	<b>13</b>	<b>17.3</b>
<b>D.C. CIRCUIT</b>	<b>2</b>	--	--	--	--
District of Columbia	2	--	--	--	--
<b>FIRST CIRCUIT</b>	<b>157</b>	<b>93</b>	<b>76</b>	<b>17</b>	<b>17.9</b>
Maine	2	--	--	--	--
Massachusetts	17	63	53	10	15.6
New Hampshire	9	84	72	12	16.7
Puerto Rico	127	98	80	18	18.5
Rhode Island	2	--	--	--	--
<b>SECOND CIRCUIT</b>	<b>41</b>	<b>61</b>	<b>51</b>	<b>10</b>	<b>18.3</b>
Connecticut	3	78	63	15	19.2
New York					
Eastern	3	35	27	8	23.2
Northern	17	52	43	10	21.3
Southern	12	63	53	10	15.7
Western	6	87	75	12	12.1
Vermont	0	--	--	--	--
<b>THIRD CIRCUIT</b>	<b>64</b>	<b>54</b>	<b>45</b>	<b>9</b>	<b>17.6</b>
Delaware	4	78	67	11	14.3
New Jersey	29	47	39	8	18.3
Pennsylvania					
Eastern	13	55	44	11	20.3
Middle	5	52	45	7	12.5
Western	9	56	48	8	15.9
Virgin Islands	4	74	63	12	17.2
<b>FOURTH CIRCUIT</b>	<b>111</b>	<b>68</b>	<b>57</b>	<b>10</b>	<b>17.2</b>
Maryland	6	78	73	5	12.4
North Carolina					
Eastern	13	62	51	11	17.9
Middle	13	91	82	9	10.8
Western	16	74	61	13	19.7
South Carolina	21	69	57	12	18.5
Virginia					
Eastern	20	49	40	9	18.6
Western	9	91	80	11	12.4
West Virginia					
Northern	7	33	25	8	24.2
Southern	6	67	55	12	17.1

**Table 8 (cont.)**

CIRCUIT	District	N	Mean			
			Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence <sup>2</sup>	Percent Decrease From Current Sentence
<b>FIFTH CIRCUIT</b>		<b>886</b>	<b>78</b>	<b>65</b>	<b>13</b>	<b>17.6</b>
Louisiana						
Eastern		14	50	41	9	19.7
Middle		5	66	62	4	7.4
Western		8	89	76	12	13.7
Mississippi						
Northern		3	54	44	11	19.8
Southern		4	35	28	7	25.6
Texas						
Eastern		102	104	85	19	18.4
Northern		109	121	99	22	17.7
Southern		248	79	66	12	15.6
Western		393	61	50	10	18.7
<b>SIXTH CIRCUIT</b>		<b>99</b>	<b>74</b>	<b>62</b>	<b>12</b>	<b>17.1</b>
Kentucky						
Eastern		28	73	62	11	16.6
Western		7	79	64	15	19.6
Michigan						
Eastern		23	85	71	14	16.0
Western		5	50	42	7	15.9
Ohio						
Northern		13	49	41	8	16.4
Southern		15	89	74	16	18.7
Tennessee						
Eastern		8	74	61	12	18.4
Middle		0	--	--	--	--
Western		0	--	--	--	--
<b>SEVENTH CIRCUIT</b>		<b>55</b>	<b>83</b>	<b>71</b>	<b>13</b>	<b>15.1</b>
Illinois						
Central		3	97	86	11	14.0
Northern		11	104	87	17	15.4
Southern		21	78	64	13	17.6
Indiana						
Northern		11	67	56	11	15.7
Southern		7	98	87	11	9.7
Wisconsin						
Eastern		0	--	--	--	--
Western		2	--	--	--	--
<b>EIGHTH CIRCUIT</b>		<b>90</b>	<b>84</b>	<b>70</b>	<b>14</b>	<b>16.9</b>
Arkansas						
Eastern		17	91	77	15	16.4
Western		5	51	40	10	22.9
Iowa						
Northern		7	108	92	16	15.2
Southern		8	88	74	15	17.4
Minnesota		0	--	--	--	--
Missouri						
Eastern		7	58	49	10	17.3
Western		3	90	72	18	19.8
Nebraska		33	96	80	16	15.6
North Dakota		7	44	35	9	21.7
South Dakota		3	62	54	8	11.5

**Table 8 (cont.)**

		Mean			
CIRCUIT		Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence <sup>2</sup>	Percent Decrease From Current Sentence
District	N				
<b>NINTH CIRCUIT</b>	<b>117</b>	<b>65</b>	<b>54</b>	<b>11</b>	<b>17.1</b>
Alaska	0	--	--	--	--
Arizona	1	--	--	--	--
California					
Central	30	48	42	7	16.4
Eastern	32	68	57	11	16.5
Northern	6	75	63	13	15.4
Southern	4	48	42	7	16.5
Guam	5	78	62	16	19.6
Hawaii	12	60	48	11	20.4
Idaho	6	45	37	9	19.2
Montana	3	105	88	17	17.0
Nevada	5	58	48	10	17.3
Northern Mariana Islands	0	--	--	--	--
Oregon	0	--	--	--	--
Washington					
Eastern	9	94	77	17	17.9
Western	4	126	104	22	14.1
<b>TENTH CIRCUIT</b>	<b>88</b>	<b>80</b>	<b>66</b>	<b>14</b>	<b>16.8</b>
Colorado	8	76	62	14	17.3
Kansas	11	123	101	22	17.2
New Mexico	1	--	--	--	--
Oklahoma					
Eastern	11	95	77	19	19.5
Northern	20	66	54	13	19.1
Western	4	113	93	20	16.9
Utah	26	63	54	9	14.2
Wyoming	7	76	65	11	13.6
<b>ELEVENTH CIRCUIT</b>	<b>259</b>	<b>85</b>	<b>72</b>	<b>13</b>	<b>16.2</b>
Alabama					
Middle	8	100	87	13	15.8
Northern	19	65	53	12	19.5
Southern	6	150	122	28	18.2
Florida					
Middle	58	110	93	18	15.9
Northern	1	--	--	--	--
Southern	106	82	69	12	15.2
Georgia					
Middle	7	76	63	13	18.5
Northern	33	66	56	9	16.0
Southern	21	58	48	11	18.9

<sup>1</sup> Of the 2,143 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, 174 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.

<sup>2</sup> 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 AMENDMENT<sup>1</sup>**

<b>REASONS</b>	<b>N</b>	<b>%</b>
<b>Not eligible under §4C1.1(b)</b>	<b>1,318</b>	<b>59.3</b>
Assigned more than zero criminal history points at sentencing	573	25.8
Firearm possessed, etc. in connection with offense	316	14.2
Aggravating Role adjustment applied (USSG §3B1.1)	209	9.4
Conviction was a sex offense	58	2.6
Violence or threat of violence used in connection with offense	51	2.3
Defendant caused substantial financial hardship	43	1.9
Offense resulted in death or serious bodily injury	32	1.4
21 U.S.C. § 848 conviction	19	0.9
Hate crime adjustment applied (USSG §3A1.1)	15	0.7
Terrorism adjustment applied at sentencing (USSG §3A1.4)	2	0.1
Civil rights guideline applied (USSG §2H1.1)	0	0.0
Serious human rights offense adjustment applied (USSG §3A1.5)	0	0.0
<b>Not eligible under §1B1.10</b>	<b>402</b>	<b>18.3</b>
Current sentence below new guideline range and no §5K1.1	237	10.7
Statutory mandatory minimum penalty controls sentence	112	5.0
Offender received Amendment 821 reduction at original sentencing	15	0.7
Guideline range does not change	10	0.5
Original sentence has been served	8	0.4
Defendant will be released before effective date of amendment	8	0.4
Career Offender or Armed Career Criminal provisions control sentence	6	0.3
Sentenced to trumping statutory maximum penalty	6	0.3
<b>Denied on the merits</b>	<b>188</b>	<b>8.5</b>
18 U.S.C. § 3553(a) factors	124	5.6
Offender has already benefitted from departure or variance	45	2.0
Binding plea agreement determined sentence	11	0.5
Post-sentencing or post-conviction conduct	8	0.4
<b>No reason provided/Other reason</b>	<b>313</b>	<b>14.1</b>
No reason provided	280	12.6
Other	33	1.5

<sup>1</sup> 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, 2,221 reasons were cited in the 1,914 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.