

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



April 2026

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 individuals 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 individuals under a criminal justice sentence (commonly known as "status points"). Part B provided a two-level downward adjustment for certain sentenced individuals 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 1995-2025 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/data-reports/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, 2026 and for which court documentation was received, coded, and edited at the Commission by April 20, 2026.

Table 1

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

District	Total		Granted		Denied		District	Total		Granted		Denied	
	N		N	%	N	%		N		N	%	N	%
TOTAL	13,451		4,094	30.4	9,357	69.6							
Western Texas	1,362		461	33.8	901	66.2	Western Washington	66		6	9.1	60	90.9
Middle Florida	1,095		532	48.6	563	51.4	Western New York	65		10	15.4	55	84.6
Southern Florida	983		296	30.1	687	69.9	Western Pennsylvania	65		26	40.0	39	60.0
Northern Texas	948		251	26.5	697	73.5	Eastern Louisiana	64		23	35.9	41	64.1
Puerto Rico	887		262	29.5	625	70.5	Northern New York	63		19	30.2	44	69.8
Southern Texas	884		333	37.7	551	62.3	New Mexico	63		11	17.5	52	82.5
Eastern Texas	494		274	55.5	220	44.5	South Carolina	62		33	53.2	29	46.8
Northern Georgia	296		71	24.0	225	76.0	Western North Carolina	60		25	41.7	35	58.3
Southern New York	251		34	13.5	217	86.5	Connecticut	57		10	17.5	47	82.5
Western Missouri	210		30	14.3	180	85.7	Northern Indiana	57		14	24.6	43	75.4
Arizona	192		15	7.8	177	92.2	Eastern New York	55		13	23.6	42	76.4
Southern Iowa	179		17	9.5	162	90.5	Southern West Virginia	53		8	15.1	45	84.9
Nebraska	178		62	34.8	116	65.2	Northern California	53		14	26.4	39	73.6
Central California	175		50	28.6	125	71.4	Eastern Wisconsin	52		1	1.9	51	98.1
Eastern Kentucky	172		42	24.4	130	75.6	Middle Alabama	52		8	15.4	44	84.6
Eastern Virginia	164		38	23.2	126	76.8	Western Tennessee	51		11	21.6	40	78.4
Eastern Missouri	154		18	11.7	136	88.3	Northern Iowa	51		7	13.7	44	86.3
Western Oklahoma	135		16	11.9	119	88.1	North Dakota	50		10	20.0	40	80.0
Eastern Tennessee	134		30	22.4	104	77.6	Western Kentucky	49		11	22.4	38	77.6
Middle North Carolina	132		14	10.6	118	89.4	Montana	48		10	20.8	38	79.2
New Jersey	125		54	43.2	71	56.8	Eastern Washington	47		15	31.9	32	68.1
Eastern Michigan	123		32	26.0	91	74.0	Idaho	45		10	22.2	35	77.8
Minnesota	119		19	16.0	100	84.0	District of Columbia	39		10	25.6	29	74.4
Eastern North Carolina	116		28	24.1	88	75.9	Southern California	38		35	92.1	3	7.9
Eastern California	114		56	49.1	58	50.9	Eastern Pennsylvania	37		31	83.8	6	16.2
South Dakota	113		14	12.4	99	87.6	Middle Louisiana	36		10	27.8	26	72.2
Western Virginia	110		11	10.0	99	90.0	Eastern Oklahoma	35		13	37.1	22	62.9
Southern Georgia	107		29	27.1	78	72.9	Hawaii	30		19	63.3	11	36.7
Northern Ohio	105		27	25.7	78	74.3	Oregon	28		8	28.6	20	71.4
Southern Indiana	103		22	21.4	81	78.6	Northern West Virginia	27		7	25.9	20	74.1
Utah	103		33	32.0	70	68.0	Western Arkansas	27		14	51.9	13	48.1
Massachusetts	102		32	31.4	70	68.6	New Hampshire	25		14	56.0	11	44.0
Kansas	100		34	34.0	66	66.0	Wyoming	24		8	33.3	16	66.7
Middle Pennsylvania	98		17	17.3	81	82.7	Maine	22		2	9.1	20	90.9
Southern Mississippi	98		30	30.6	68	69.4	Virgin Islands	22		12	54.5	10	45.5
Southern Alabama	97		23	23.7	74	76.3	Western Wisconsin	22		4	18.2	18	81.8
Middle Georgia	91		18	19.8	73	80.2	Maryland	19		12	63.2	7	36.8
Northern Illinois	90		33	36.7	57	63.3	Northern Mississippi	19		4	21.1	15	78.9
Northern Oklahoma	89		23	25.8	66	74.2	Delaware	18		5	27.8	13	72.2
Eastern Arkansas	88		18	20.5	70	79.5	Rhode Island	16		2	12.5	14	87.5
Colorado	88		20	22.7	68	77.3	Northern Florida	16		4	25.0	12	75.0
Southern Illinois	83		23	27.7	60	72.3	Alaska	15		3	20.0	12	80.0
Western Louisiana	79		14	17.7	65	82.3	Guam	12		12	100.0	0	0.0
Southern Ohio	76		33	43.4	43	56.6	Nevada	10		9	90.0	1	10.0
Central Illinois	76		7	9.2	69	90.8	Northern Mariana Islands	9		4	44.4	5	55.6
Northern Alabama	76		39	51.3	37	48.7	Vermont	7		2	28.6	5	71.4
Western Michigan	75		19	25.3	56	74.7	Middle Tennessee	1		1	100.0	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	13,441	4,090	30.4	9,351	69.6
2026	2	0	0.0	2	100.0
2025	139	0	0.0	139	100.0
2024	988	27	2.7	961	97.3
2023	3,802	1,431	37.6	2,371	62.4
2022	2,596	1,008	38.8	1,588	61.2
2021	1,352	484	35.8	868	64.2
2020	924	283	30.6	641	69.4
2019	937	261	27.9	676	72.1
2018	754	214	28.4	540	71.6
2017	533	170	31.9	363	68.1
2016	352	90	25.6	262	74.4
2015	231	38	16.5	193	83.5
2014	158	26	16.5	132	83.5
2013	158	8	5.1	150	94.9
2012	112	10	8.9	102	91.1
2011	83	12	14.5	71	85.5
2010	69	7	10.1	62	89.9
2009	56	5	8.9	51	91.1
2008	29	1	3.4	28	96.6
2007	33	3	9.1	30	90.9
2006	24	5	20.8	19	79.2
2005	22	1	4.5	21	95.5
2004	14	1	7.1	13	92.9
2003	9	0	0.0	9	100.0
2002	11	0	0.0	11	100.0
2001	13	4	30.8	9	69.2
2000	12	0	0.0	12	100.0
1999	6	0	0.0	6	100.0
1998	4	0	0.0	4	100.0
1997	3	0	0.0	3	100.0
1996	4	0	0.0	4	100.0
1995	2	0	0.0	2	100.0
1994	4	0	0.0	4	100.0
1993	0	0	--	0	--
1992	2	0	0.0	2	100.0
1991	1	1	100.0	0	0.0
1990	1	0	0.0	1	100.0
1989	1	0	0.0	1	100.0

¹ Of the 13,451 cases reported to the Commission with motion status information, 10 were excluded from this analysis because the cases cannot be matched with an original case in the Commission's records.

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	4,087	3,182	77.9	0	0.0	905	22.1
D.C. CIRCUIT	10	10	100.0	0	0.0	0	0.0
FIRST CIRCUIT	312	296	94.9	0	0.0	16	5.1
SECOND CIRCUIT	88	73	83.0	0	0.0	15	17.0
THIRD CIRCUIT	140	135	96.4	0	0.0	5	3.6
FOURTH CIRCUIT	176	149	84.7	0	0.0	27	15.3
FIFTH CIRCUIT	1,399	810	57.9	0	0.0	589	42.1
SIXTH CIRCUIT	206	144	69.9	0	0.0	62	30.1
SEVENTH CIRCUIT	104	103	99.0	0	0.0	1	1.0
EIGHTH CIRCUIT	209	167	79.9	0	0.0	42	20.1
NINTH CIRCUIT	265	232	87.5	0	0.0	33	12.5
TENTH CIRCUIT	158	143	90.5	0	0.0	15	9.5
ELEVENTH CIRCUIT	1,020	920	90.2	0	0.0	100	9.8

¹ Of the 4,094 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.

² In 13 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	561	13.7	1,589	17.0
Black	403	9.9	1,784	19.1
Hispanic	3,009	73.7	5,674	60.7
Other	112	2.7	293	3.1
Total	4,085	100.0	9,340	100.0
Citizenship				
U.S. Citizen	1,790	43.8	5,460	58.5
Non-Citizen	2,294	56.2	3,879	41.5
Total	4,084	100.0	9,339	100.0
Gender				
Male	3,447	84.2	7,962	85.1
Female	647	15.8	1,394	14.9
Total	4,094	100.0	9,356	100.0
Average Age at Original Sentence		38	38	
Average Age at Motion Decision		41	42	

¹ Of the 13,451 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 (26), missing citizenship information (28), missing gender information (1), and missing age information (13).

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	1.7	29.2
Firearms Mandatory Minimum Applied	1.6	21.1
	0.1	9.0
Safety Valve²	80.5	28.1
Guideline Role Adjustments²		
Aggravating Role (USSG §3B1.1)	0.7	20.0
Mitigating Role (USSG §3B1.2)	15.8	4.5
Obstruction Adjustment (USSG §3C1.1)	3.3	5.5
Sentence Relative to the Guideline Range		
Within Range	62.1	41.8
Above Range	0.9	4.2
Below Range	37.1	54.0
Criminal History Category		
I	100.0	72.8
II	0.0	9.0
III	0.0	6.8
IV	0.0	3.4
V	0.0	2.6
VI	0.0	5.5
Career Offender (§4B1.1)²	0.0	2.3

¹ Of the 13,451 cases reported to the Commission with motion status information, 10 were excluded from this analysis because the cases cannot be matched with an original case in the Commission's records.

² This section was limited to the 13,195 cases with complete guideline application information.

³ In 89 cases the court applied the weapon specific offense characteristic and the sentenced individual 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 AMENDMENT¹**

TYPE OF CRIME	N	%
TOTAL	4,090	100.0
Administration of Justice	14	0.3
Antitrust	0	0.0
Arson	1	0.0
Assault	0	0.0
Bribery/Corruption	40	1.0
Burglary/Trespass	0	0.0
Child Pornography	0	0.0
Commercialized Vice	5	0.1
Drug Possession	0	0.0
Drug Trafficking	3,264	79.8
Environmental	0	0.0
Extortion/Racketeering	1	0.0
Firearms	1	0.0
Food and Drug	0	0.0
Forgery/Counter/Copyright	4	0.1
Fraud/Theft/Embezzlement	383	9.4
Immigration	91	2.2
Individual Rights	0	0.0
Kidnapping	2	0.0
Manslaughter	0	0.0
Money Laundering	223	5.5
Murder	2	0.0
National Defense	5	0.1
Obscenity/Other Sex Offenses	8	0.2
Prison Offenses	1	0.0
Robbery	4	0.1
Sexual Abuse	0	0.0
Stalking/Harassing	0	0.0
Tax	41	1.0
Other	0	0.0

¹ Of the 4,094 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 were excluded from this analysis because the cases cannot be matched with an original case in the Commission's records.

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

TYPE OF CRIME	N	%
TOTAL	9,346	100.0
Administration of Justice	21	0.2
Antitrust	1	0.0
Arson	16	0.2
Assault	51	0.5
Bribery/Corruption	65	0.7
Burglary/Trespass	2	0.0
Child Pornography	134	1.4
Commercialized Vice	7	0.1
Drug Possession	0	0.0
Drug Trafficking	6,093	65.2
Environmental	0	0.0
Extortion/Racketeering	15	0.2
Firearms	443	4.7
Food and Drug	4	0.0
Forgery/Counter/Copyright	5	0.1
Fraud/Theft/Embezzlement	747	8.0
Immigration	356	3.8
Individual Rights	22	0.2
Kidnapping	56	0.6
Manslaughter	8	0.1
Money Laundering	475	5.1
Murder	172	1.8
National Defense	38	0.4
Obscenity/Other Sex Offenses	12	0.1
Prison Offenses	3	0.0
Robbery	283	3.0
Sexual Abuse	250	2.7
Stalking/Harassing	14	0.1
Tax	48	0.5
Other	5	0.1

¹ Of the 9,357 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, six were excluded from this analysis because the cases cannot be matched with an original case in the Commission's records. Of the remaining cases, five were excluded due to missing information on the type of crime.

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	3,869	92	77	15	16.9
D.C. CIRCUIT	7	59	50	9	14.1
District of Columbia	7	59	50	9	14.1
FIRST CIRCUIT	302	90	74	16	17.6
Maine	2	--	--	--	--
Massachusetts	28	69	59	10	14.2
New Hampshire	9	84	72	12	16.7
Puerto Rico	261	93	76	17	18.1
Rhode Island	2	--	--	--	--
SECOND CIRCUIT	83	75	63	12	15.5
Connecticut	10	82	69	13	15.6
New York					
Eastern	12	75	59	16	16.9
Northern	19	52	43	10	21.0
Southern	34	84	73	12	13.0
Western	7	80	69	11	11.5
Vermont	1	--	--	--	--
THIRD CIRCUIT	126	64	53	10	16.9
Delaware	5	84	71	13	15.3
New Jersey	54	49	41	8	18.1
Pennsylvania					
Eastern	21	67	55	12	17.8
Middle	14	67	58	9	14.1
Western	20	64	55	9	14.1
Virgin Islands	12	109	89	20	18.6
FOURTH CIRCUIT	165	74	63	11	16.6
Maryland	12	89	82	7	12.0
North Carolina					
Eastern	28	64	54	10	15.8
Middle	14	95	86	9	10.5
Western	22	80	66	14	18.3
South Carolina	30	73	61	13	18.7
Virginia					
Eastern	34	67	55	12	17.8
Western	10	97	84	13	13.2
West Virginia					
Northern	7	33	25	8	24.2
Southern	8	77	63	14	17.7

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		1,383	94	78	16	17.9
Louisiana						
Eastern		20	43	35	8	20.7
Middle		9	77	65	12	15.5
Western		11	85	74	11	13.0
Mississippi						
Northern		4	56	45	11	19.7
Southern		29	97	82	15	18.9
Texas						
Eastern		273	134	109	25	18.3
Northern		249	132	109	24	17.5
Southern		328	82	68	13	15.7
Western		460	63	52	11	19.3
SIXTH CIRCUIT		166	75	63	12	17.1
Kentucky						
Eastern		41	83	70	12	15.9
Western		11	71	57	14	19.3
Michigan						
Eastern		25	82	69	13	16.4
Western		19	57	47	10	18.3
Ohio						
Northern		23	57	49	9	15.9
Southern		19	81	67	15	19.2
Tennessee						
Eastern		17	79	66	13	17.8
Middle		1	--	--	--	--
Western		10	91	74	17	17.9
SEVENTH CIRCUIT		86	83	71	12	14.8
Illinois						
Central		6	104	90	13	15.7
Northern		24	87	74	13	14.3
Southern		23	78	65	13	18.0
Indiana						
Northern		13	73	61	12	16.0
Southern		16	96	83	13	12.1
Wisconsin						
Eastern		1	--	--	--	--
Western		3	41	39	2	5.6
EIGHTH CIRCUIT		189	90	76	14	16.2
Arkansas						
Eastern		18	96	81	15	16.1
Western		14	52	43	9	18.4
Iowa						
Northern		7	108	92	16	15.2
Southern		16	113	96	17	15.9
Minnesota		11	90	80	10	13.4
Missouri						
Eastern		15	64	54	10	15.9
Western		27	101	86	15	15.0
Nebraska		62	102	85	17	16.2
North Dakota		10	44	36	8	21.0
South Dakota		9	66	55	11	16.5

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		246	71	59	11	16.9
	Alaska	3	54	45	9	18.4
	Arizona	10	83	71	12	14.2
	California					
	Central	50	61	52	10	17.1
	Eastern	55	71	59	11	16.1
	Northern	12	87	75	12	13.6
	Southern	33	52	44	8	16.7
	Guam	12	82	66	16	19.5
	Hawaii	19	73	60	13	19.4
	Idaho	10	66	53	13	19.3
	Montana	6	100	82	18	18.4
	Nevada	8	79	64	15	18.2
	Northern Mariana Islands	4	61	53	8	12.3
	Oregon	3	36	29	7	20.4
	Washington					
	Eastern	15	93	78	15	16.8
	Western	6	110	92	18	15.1
TENTH CIRCUIT		132	84	70	14	16.2
	Colorado	12	90	75	15	16.4
	Kansas	18	113	96	17	14.9
	New Mexico	11	55	46	9	16.5
	Oklahoma					
	Eastern	13	101	81	20	19.5
	Northern	23	78	63	15	19.2
	Western	15	96	79	16	16.6
	Utah	32	64	55	9	13.5
	Wyoming	8	90	76	14	14.4
ELEVENTH CIRCUIT		984	109	92	17	16.0
	Alabama					
	Middle	8	100	87	13	15.8
	Northern	39	82	66	15	18.8
	Southern	21	131	107	24	18.3
	Florida					
	Middle	519	124	105	19	15.5
	Northern	4	68	62	6	9.9
	Southern	291	97	81	16	16.5
	Georgia					
	Middle	13	74	64	10	14.9
	Northern	64	82	71	11	15.0
	Southern	25	54	44	10	18.3

¹ Of the 4,094 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, 225 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)	6,360	57.6
Assigned more than zero criminal history points at sentencing	2,754	24.9
Firearm possessed, etc. in connection with offense	1,607	14.6
Aggravating Role adjustment applied (USSG §3B1.1)	1,063	9.6
Conviction was a sex offense	273	2.5
Violence or threat of violence used in connection with offense	245	2.2
Offense resulted in death or serious bodily injury	185	1.7
Defendant caused substantial financial hardship	144	1.3
Hate crime adjustment applied (USSG §3A1.1)	62	0.6
21 U.S.C. § 848 conviction	15	0.1
Civil rights guideline applied (USSG §2H1.1)	8	0.1
Terrorism adjustment applied at sentencing (USSG §3A1.4)	4	0.0
Serious human rights offense adjustment applied (USSG §3A1.5)	0	0.0
Not eligible under §1B1.10	2,219	20.2
Current sentence below new guideline range and no §5K1.1	982	8.9
Statutory mandatory minimum penalty controls sentence	609	5.5
Individual received Amendment 821 reduction at original sentencing	383	3.5
Original sentence has been served	106	1.0
Guideline range does not change	82	0.7
Career Offender or Armed Career Criminal provisions control sentence	29	0.3
Sentenced to trumping statutory maximum penalty	18	0.2
Defendant will be released before effective date of amendment	10	0.1
Denied on the merits	886	8.0
18 U.S.C. § 3553(a) factors	684	6.2
Individual has already benefitted from departure or variance	131	1.2
Binding plea agreement determined sentence	38	0.3
Post-sentencing or post-conviction conduct	33	0.3
No reason provided/Other reason	1,576	14.2
No reason provided	1,208	10.9
Other	368	3.3

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, 11,041 reasons were cited in the 9,357 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.