

**U.S. Sentencing Commission
2014 Drug Guidelines Amendment
Retroactivity Data Report**



May 2021

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 April 30, 2014, the Commission submitted to Congress an amendment to the federal sentencing guidelines that revised the guidelines applicable to drug trafficking offenses by changing how the base offense levels in the drug or chemical quantity tables in sections 2D1.1 and 2D1.11 of the *Guidelines Manual*³ incorporate the statutory mandatory minimum penalties for drug trafficking offenses (Amendment 782).⁴ Specifically, the amendment reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties, resulting in corresponding guideline ranges that include the mandatory minimum penalties, and made conforming changes to section 2D1.1. Amendment 782 became effective on November 1, 2014.

On July 18, 2014, the Commission voted to give retroactive effect to Amendment 782 beginning on the effective date of the amendment. The Commission also voted to require that courts not release any offender whose term of imprisonment was reduced pursuant to retroactive application of Amendment 782 prior to November 1, 2015. To effectuate these decisions, the Commission promulgated Amendment 788 which added Amendment 782 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. Amendment 788 also added a new special instruction to §1B1.10 requiring that the effective date of all orders reducing a term of

¹ In each felony or Class A misdemeanor case sentenced in federal court, 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 See the Commission's website, www.usc.gov, for electronic copies of the 1995-2020 *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.

³ U.S. SENTENCING COMMISSION, GUIDELINES MANUAL §2D1.1 (Unlawful Manufacturing, Importing, Exporting or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) (2013) (hereinafter USSG); USSG §2D1.11 (Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical; Attempt or Conspiracy).

⁴ References to the "2014 drug guidelines amendment," "the amendment," or any similar references mean Amendment 782.

imprisonment pursuant to retroactive application of Amendment 782 be November 1, 2015 or later. Amendment 788 became effective on November 1, 2014.

The data in this report represents information concerning motions for a reduced sentence pursuant to the retroactive application of Amendment 782. The data in this report reflects all motions decided through September 30, 2020, and for which court documentation was received, coded, and edited at the Commission by May 4, 2021.

Table 1

GEOGRAPHICAL DISTRIBUTION OF APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT BY DISTRICT

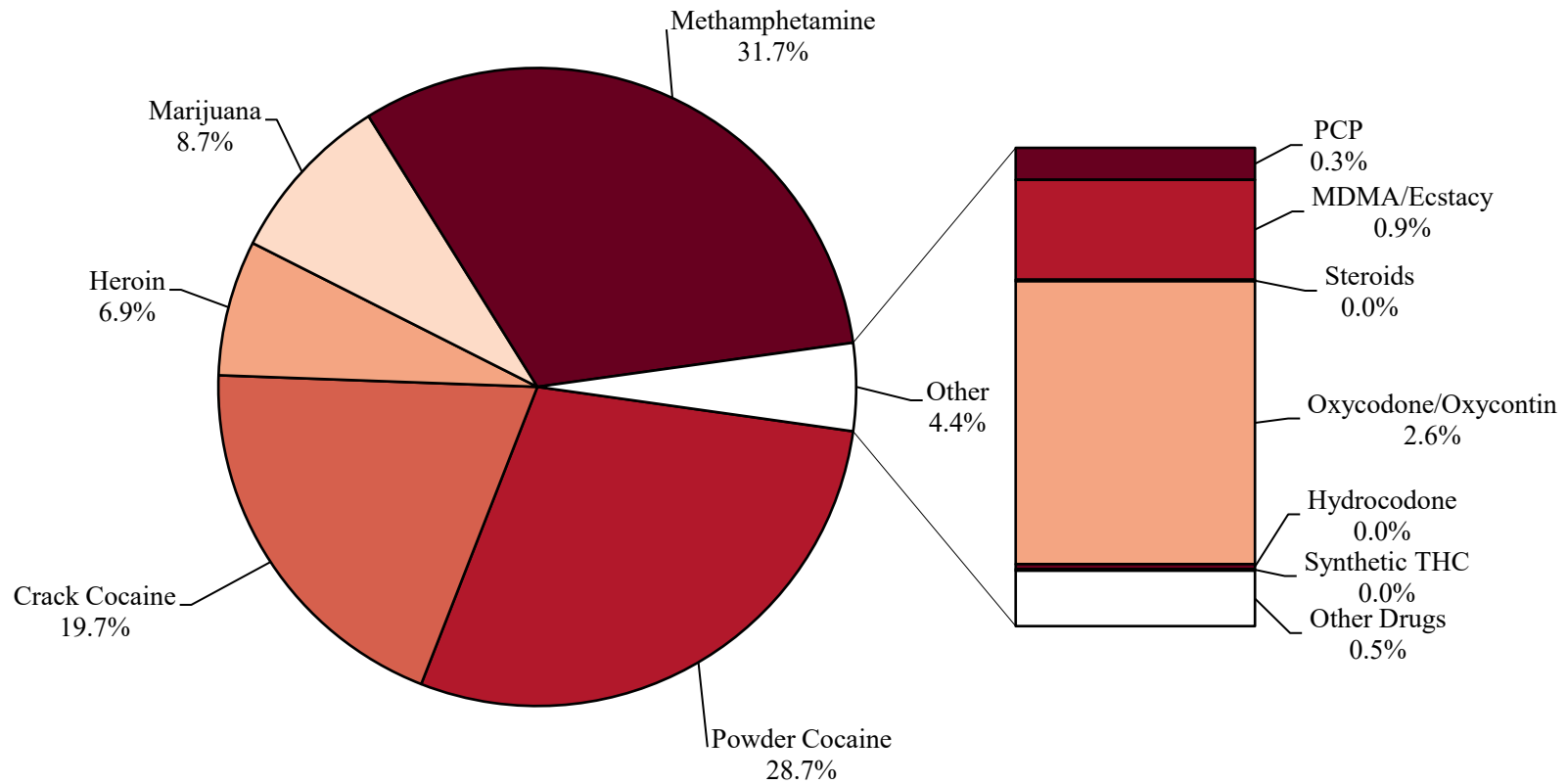
District	Total		Granted		Denied		District	Total		Granted		Denied	
	N		N	%	N	%		N		N	%	N	%
TOTAL	50,998		31,908	62.6	19,090	37.4							
Southern Texas	3,412		1,593	46.7	1,819	53.3	Eastern Louisiana	348		197	56.6	151	43.4
Western Texas	2,594		1,815	70.0	779	30.0	New Mexico	343		165	48.1	178	51.9
Northern Texas	2,032		1,170	57.6	862	42.4	Montana	337		240	71.2	97	28.8
Middle Florida	2,005		932	46.5	1,073	53.5	New Jersey	329		190	57.8	139	42.2
Puerto Rico	1,950		1,301	66.7	649	33.3	Eastern Pennsylvania	327		326	99.7	1	0.3
Eastern North Carolina	1,270		754	59.4	516	40.6	Western Louisiana	306		206	67.3	100	32.7
Eastern Texas	1,250		1,062	85.0	188	15.0	Idaho	306		269	87.9	37	12.1
Eastern Virginia	1,189		913	76.8	276	23.2	Middle Pennsylvania	302		170	56.3	132	43.7
Northern Iowa	1,135		522	46.0	613	54.0	Western Oklahoma	301		166	55.1	135	44.9
South Carolina	1,083		789	72.9	294	27.1	Arizona	301		258	85.7	43	14.3
Eastern Tennessee	1,074		844	78.6	230	21.4	Western Washington	297		143	48.1	154	51.9
Western North Carolina	1,038		545	52.5	493	47.5	Northern West Virginia	294		232	78.9	62	21.1
Southern Florida	993		846	85.2	147	14.8	Eastern New York	293		143	48.8	150	51.2
Western Virginia	915		547	59.8	368	40.2	Wyoming	284		221	77.8	63	22.2
Southern California	896		327	36.5	569	63.5	Massachusetts	260		118	45.4	142	54.6
Southern Iowa	894		451	50.4	443	49.6	North Dakota	255		189	74.1	66	25.9
Western Missouri	837		466	55.7	371	44.3	Northern New York	254		163	64.2	91	35.8
Northern Florida	827		415	50.2	412	49.8	Connecticut	244		147	60.2	97	39.8
Northern Georgia	818		472	57.7	346	42.3	Northern Indiana	243		201	82.7	42	17.3
Maryland	809		508	62.8	301	37.2	Eastern Wisconsin	241		178	73.9	63	26.1
Nebraska	797		570	71.5	227	28.5	Northern Oklahoma	239		130	54.4	109	45.6
Central Illinois	794		427	53.8	367	46.2	Hawaii	239		223	93.3	16	6.7
Central California	747		409	54.8	338	45.2	Eastern Arkansas	234		226	96.6	8	3.4
Middle North Carolina	699		355	50.8	344	49.2	Nevada	226		185	81.9	41	18.1
Southern Georgia	681		329	48.3	352	51.7	Western Pennsylvania	219		124	56.6	95	43.4
Eastern Kentucky	667		293	43.9	374	56.1	Eastern Washington	218		109	50.0	109	50.0
Kansas	635		441	69.4	194	30.6	Middle Alabama	208		118	56.7	90	43.3
Eastern Missouri	633		419	66.2	214	33.8	Northern Mississippi	195		157	80.5	38	19.5
Northern Illinois	625		512	81.9	113	18.1	Middle Louisiana	186		83	44.6	103	55.4
Eastern California	606		422	69.6	184	30.4	Middle Tennessee	186		103	55.4	83	44.6
Western Michigan	593		284	47.9	309	52.1	Western Wisconsin	183		119	65.0	64	35.0
Southern Illinois	577		414	71.8	163	28.2	Southern West Virginia	175		161	92.0	14	8.0
Western Tennessee	549		249	45.4	300	54.6	Alaska	161		120	74.5	41	25.5
Southern Indiana	512		321	62.7	191	37.3	Colorado	159		159	100.0	0	0.0
Southern New York	472		459	97.2	13	2.8	Maine	156		104	66.7	52	33.3
Southern Alabama	460		296	64.3	164	35.7	South Dakota	153		118	77.1	35	22.9
Eastern Michigan	398		284	71.4	114	28.6	Western Kentucky	146		138	94.5	8	5.5
Middle Georgia	396		216	54.5	180	45.5	District of Columbia	137		91	66.4	46	33.6
Minnesota	373		241	64.6	132	35.4	Oregon	126		125	99.2	1	0.8
Southern Ohio	370		299	80.8	71	19.2	Eastern Oklahoma	125		81	64.8	44	35.2
Utah	369		200	54.2	169	45.8	Rhode Island	110		55	50.0	55	50.0
Northern Alabama	366		255	69.7	111	30.3	New Hampshire	67		34	50.7	33	49.3
Western Arkansas	365		218	59.7	147	40.3	Vermont	45		39	86.7	6	13.3
Northern Ohio	359		283	78.8	76	21.2	Delaware	40		21	52.5	19	47.5
Southern Mississippi	358		232	64.8	126	35.2	Virgin Islands	39		26	66.7	13	33.3
Western New York	357		220	61.6	137	38.4	Guam	22		22	100.0	0	0.0
Northern California	356		191	53.7	165	46.3	Northern Mariana Islands	4		4	100.0	0	0.0

Note: Some districts may not have reported all denials of motions seeking retroactive application of Amendment 782.

SOURCE: U.S. Sentencing Commission, Amendment 782 Datafile.

Table 2

**DISTRIBUTION OF DRUG TYPE OF OFFENDERS WHO RECEIVED SENTENCE REDUCTION
DUE TO APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT¹**



¹ Of the 31,908 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, information on drug type was missing in 537 cases.

SOURCE: U.S. Sentencing Commission, Amendment 782 Datafile.

Table 3**APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT
BY YEAR OF ORIGINAL SENTENCE¹**

Fiscal Year	Total	Granted		Denied	
	N	N	%	N	%
Total	50,774	31,759	62.5	19,015	37.5
2019	5	0	0.0	5	100.0
2018	28	0	0.0	28	100.0
2017	101	0	0.0	101	100.0
2016	455	3	0.7	452	99.3
2015	1,592	143	9.0	1,449	91.0
2014	7,183	4,347	60.5	2,836	39.5
2013	8,296	5,777	69.6	2,519	30.4
2012	6,815	4,798	70.4	2,017	29.6
2011	5,147	3,541	68.8	1,606	31.2
2010	4,011	2,486	62.0	1,525	38.0
2009	3,544	2,175	61.4	1,369	38.6
2008	2,830	1,793	63.4	1,037	36.6
2007	2,344	1,505	64.2	839	35.8
2006	1,755	1,142	65.1	613	34.9
2005	1,325	798	60.2	527	39.8
2004	1,005	627	62.4	378	37.6
2003	860	511	59.4	349	40.6
2002	564	324	57.4	240	42.6
2001	475	286	60.2	189	39.8
2000	416	243	58.4	173	41.6
1999	395	243	61.5	152	38.5
1998	296	188	63.5	108	36.5
1997	251	158	62.9	93	37.1
1996	231	147	63.6	84	36.4
1995	219	126	57.5	93	42.5
1994	197	114	57.9	83	42.1
1993	141	90	63.8	51	36.2
1992	129	90	69.8	39	30.2
1991	94	68	72.3	26	27.7
1990	57	27	47.4	30	52.6
1989	13	9	69.2	4	30.8

¹ Of the 50,998 cases reported to the Commission, 224 were 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 782 Datafile.

Table 4**ORIGIN OF GRANTED MOTION FOR SENTENCE REDUCTION DUE TO
RETROACTIVE APPLICATION OF DRUG GUIDELINES AMENDMENT¹**

CIRCUIT	Total	Defendant		Director BOP²		Court	
	N	N	%	N	%	N	%
TOTAL	30,743	25,737	83.7	0	0.0	4,998	16.3
D.C. CIRCUIT	87	87	100.0	0	0.0	0	0.0
FIRST CIRCUIT	1,607	1,515	94.3	0	0.0	91	5.7
SECOND CIRCUIT	1,155	966	83.6	0	0.0	189	16.4
THIRD CIRCUIT	631	616	97.6	0	0.0	14	2.2
FOURTH CIRCUIT	4,655	3,853	82.8	0	0.0	802	17.2
FIFTH CIRCUIT	6,432	4,679	72.7	0	0.0	1,753	27.3
SIXTH CIRCUIT	2,746	2,347	85.5	0	0.0	399	14.5
SEVENTH CIRCUIT	2,151	2,110	98.1	0	0.0	40	1.9
EIGHTH CIRCUIT	3,390	2,490	73.5	0	0.0	900	26.5
NINTH CIRCUIT	2,716	2,634	97.0	0	0.0	79	2.9
TENTH CIRCUIT	1,383	1,270	91.8	0	0.0	112	8.1
ELEVENTH CIRCUIT	3,790	3,170	83.6	0	0.0	619	16.3

¹ Of the 31,908 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 1,219 cases were excluded from this analysis because the information received by the Commission prevented a determination of motion origin. Additionally, courts may cite multiple origins for a motion; consequently, the total number of origins cited generally exceeds the total number of cases. In this table, 30,743 origins were cited for the 30,689 cases.

² In 13 cases, documents provided to the Commission indicated that the Director of the Bureau of Prisons made the motion. Those cases appear to be clerical errors.

Table 5

**DEMOGRAPHIC CHARACTERISTICS OF OFFENDERS WHO RECEIVED SENTENCE REDUCTION
DUE TO APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT**

Race/Ethnicity	Total Granted ¹	Powder Cocaine		Crack Cocaine		Heroin		Marijuana		Metham- phetamine		Other	
		N	%	N	%	N	%	N	%	N	%	N	%
White	7,314	824	9.2	285	4.6	222	10.3	636	23.5	4,609	46.5	738	53.3
Black	10,361	2,940	32.7	5,362	87.1	878	40.9	521	19.2	267	2.7	393	28.4
Hispanic	12,842	5,154	57.3	451	7.3	1,033	48.1	1,467	54.1	4,615	46.6	122	8.8
Other	798	80	0.9	59	1.0	16	0.7	88	3.2	423	4.3	132	9.5
Total	31,315	8,998		6,157		2,149		2,712		9,914		1,385	
Citizenship													
U.S. Citizen	23,852	6,163	68.5	5,960	96.7	1,568	72.9	1,933	71.1	6,971	70.3	1,257	90.6
Non-Citizen	7,482	2,834	31.5	201	3.3	583	27.1	785	28.9	2,949	29.7	130	9.4
Total	31,334	8,997		6,161		2,151		2,718		9,920		1,387	
Gender													
Male	29,139	8,629	95.8	5,930	96.2	2,001	92.9	2,599	95.5	8,752	88.1	1,228	88.5
Female	2,229	380	4.2	235	3.8	153	7.1	122	4.5	1,179	11.9	160	11.5
Total	31,368	9,009		6,165		2,154		2,721		9,931		1,388	
Average Age													
	35	36		32		35		36		36		37	

¹ Of the 31,908 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 537 cases were excluded due to missing drug type information. Additional cases were excluded from each section of this table due to the following reasons: missing race information (56), missing citizenship information (37), missing gender information (3), and missing age information (9).

SOURCE: U.S. Sentencing Commission, Amendment 782 Datafile.

Table 6

**SELECTED SENTENCING FACTORS FOR OFFENDERS WHO WERE CONSIDERED FOR SENTENCE
REDUCTION DUE TO APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT¹**

	<u>Total</u>		<u>Powder Cocaine</u>		<u>Crack Cocaine</u>		<u>Heroin</u>		<u>Marijuana</u>		<u>Methamphetamine</u>		<u>Other</u>	
	<u>Grant</u>	<u>Deny</u>	<u>Grant</u>	<u>Deny</u>	<u>Grant</u>	<u>Deny</u>	<u>Grant</u>	<u>Deny</u>	<u>Grant</u>	<u>Deny</u>	<u>Grant</u>	<u>Deny</u>	<u>Grant</u>	<u>Deny</u>
	%	%	%	%	%	%	%	%	%	%	%	%	%	%
Weapon														
Weapon Specific Offense Characteristic	23.8	19.6	22.2	17.9	32.0	24.1	20.5	17.7	20.4	15.3	22.6	19.1	18.0	17.2
Firearms Mandatory Minimum Applied	11.2	11.1	11.4	10.5	16.1	16.3	7.3	7.6	9.5	9.7	9.3	8.2	10.2	10.9
Safety Valve	12.8	11.7	15.9	17.5	2.5	0.8	14.7	10.7	13.7	10.2	15.7	17.2	11.6	9.0
Guideline Role Adjustments														
Aggravating Role (USSG §3B1.1)	20.2	16.1	23.2	19.2	19.6	13.6	25.5	17.8	32.1	19.3	13.6	13.6	20.0	22.6
Mitigating Role (USSG §3B1.2)	3.6	5.2	3.2	5.0	1.2	1.6	4.2	5.7	4.0	7.0	5.4	8.3	2.7	3.9
Obstruction Adjustment (USSG §3C1.1)	6.2	5.2	6.5	4.9	7.6	6.4	4.3	4.5	9.5	6.4	4.9	4.0	4.8	8.0
Sentence Relative to the Guideline Range														
Within Range	63.8	48.4	67.2	53.6	65.5	54.8	66.1	41.2	68.5	59.8	58.3	37.7	60.1	35.4
Above Range	1.2	2.1	1.2	1.6	1.4	2.2	2.3	3.9	1.8	4.0	0.7	1.3	1.6	3.3
Below Range	35.0	49.5	31.6	44.8	33.1	43.1	31.6	54.9	29.7	36.2	41.0	61.0	38.3	61.3
Criminal History Category														
I	35.6	30.0	48.1	44.2	13.7	7.8	36.5	28.3	42.3	31.9	35.7	36.8	36.4	31.1
II	13.8	10.1	14.5	10.3	11.3	6.1	14.7	9.9	16.0	14.4	13.8	12.2	14.3	10.7
III	20.1	13.8	18.5	13.0	23.4	13.2	19.8	12.9	19.9	16.7	19.5	13.9	22.2	15.9
IV	12.4	8.0	9.3	5.8	18.9	9.3	11.7	6.6	10.1	8.9	11.9	8.7	12.1	8.5
V	7.6	5.6	4.1	3.4	13.0	7.5	7.8	6.4	5.9	5.7	7.9	5.6	6.2	7.0
VI	10.5	32.4	5.5	23.3	19.6	56.1	9.5	36.0	5.7	22.3	11.2	22.7	8.7	26.8

¹ Some cases were excluded from sections of this table due to missing information on the offense or sentencing factors reported.

SOURCE: U.S. Sentencing Commission, Amendment 782 Datafile.

Table 7

**DEGREE OF DECREASE IN SENTENCE DUE TO RETROACTIVE
APPLICATION OF DRUG GUIDELINES AMENDMENT¹**

CIRCUIT		Average Current Sentence in Months²	Average New Sentence in Months²	Average Decrease in Months From Current Sentence²	Average Percent Decrease From Current Sentence
District	N				
TOTAL	30,994	146	121	26	17.2
D.C. CIRCUIT	73	153	131	22	13.7
District of Columbia	73	153	131	22	13.7
FIRST CIRCUIT	1,571	128	107	21	16.3
Maine	103	123	102	21	17.5
Massachusetts	116	162	132	30	18.3
New Hampshire	34	132	112	21	16.5
Puerto Rico	1,273	125	105	20	16.1
Rhode Island	45	123	106	17	13.6
SECOND CIRCUIT	1,097	144	121	24	16.0
Connecticut	146	122	101	21	16.9
New York					
Eastern	132	191	158	34	17.2
Northern	122	109	89	20	18.7
Southern	449	155	130	25	14.7
Western	209	134	113	21	15.8
Vermont	39	115	97	18	15.9
THIRD CIRCUIT	846	148	123	25	16.4
Delaware	20	187	154	33	18.5
New Jersey	186	142	117	25	17.6
Pennsylvania					
Eastern	323	158	131	27	16.5
Middle	169	142	119	23	15.7
Western	124	133	113	20	14.7
Virgin Islands	24	146	121	25	17.0
FOURTH CIRCUIT	4,623	159	132	27	17.1
Maryland	501	148	122	26	17.0
North Carolina					
Eastern	746	165	137	28	17.2
Middle	354	150	124	26	16.4
Western	483	173	144	29	16.8
South Carolina	748	163	133	30	17.8
Virginia					
Eastern	867	174	145	29	16.4
Western	532	157	131	26	17.5
West Virginia					
Northern	232	114	95	20	17.3
Southern	160	130	107	24	18.4

Table 7 (continued)
**DEGREE OF DECREASE IN SENTENCE DUE TO RETROACTIVE
APPLICATION OF DRUG GUIDELINES AMENDMENT**

CIRCUIT District	N	Average Current Sentence in Months ²	Average New Sentence in Months ²	Average Decrease in Months From Current Sentence ²	Average Percent Decrease From Current Sentence
FIFTH CIRCUIT	6,456	141	117	24	16.9
Louisiana					
Eastern	197	145	122	24	15.9
Middle	81	150	124	26	17.2
Western	205	157	128	29	18.5
Mississippi					
Northern	157	127	101	26	20.8
Southern	230	141	116	26	17.6
Texas					
Eastern	1,043	145	119	26	18.2
Northern	1,154	167	138	29	17.2
Southern	1,586	135	113	22	15.5
Western	1,803	124	104	21	16.8
SIXTH CIRCUIT	2,684	132	108	23	17.7
Kentucky					
Eastern	292	120	101	19	16.0
Western	137	136	114	22	16.1
Michigan					
Eastern	281	147	121	26	17.6
Western	269	145	123	23	15.5
Ohio					
Northern	281	113	91	23	19.7
Southern	297	127	107	20	16.1
Tennessee					
Eastern	835	128	103	26	19.6
Middle	103	152	127	26	16.5
Western	189	141	118	23	16.5
SEVENTH CIRCUIT	2,122	163	130	33	19.7
Illinois					
Central	407	170	123	47	26.7
Northern	499	180	149	31	16.3
Southern	413	144	114	30	20.7
Indiana					
Northern	198	156	129	28	16.8
Southern	319	168	136	33	18.7
Wisconsin					
Eastern	175	134	112	22	16.4
Western	111	170	137	33	18.8
EIGHTH CIRCUIT	3,341	146	120	26	17.9
Arkansas					
Eastern	226	123	103	20	16.9
Western	215	112	93	19	17.3
Iowa					
Northern	491	163	129	33	21.4
Southern	421	171	140	31	18.3
Minnesota	240	159	132	27	17.0
Missouri					
Eastern	417	141	117	24	16.2
Western	456	141	118	23	16.4
Nebraska	569	141	117	24	16.8
North Dakota	188	137	110	27	21.0
South Dakota	118	153	126	27	17.7

Table 7 (continued)
**DEGREE OF DECREASE IN SENTENCE DUE TO RETROACTIVE
APPLICATION OF DRUG GUIDELINES AMENDMENT**

CIRCUIT		Average Current Sentence in Months ²	Average New Sentence in Months ²	Average Decrease in Months From Current Sentence ²	Average Percent Decrease From Current Sentence
District	N				
NINTH CIRCUIT	2,972	129	109	21	15.9
Alaska	119	135	115	20	15.2
Arizona	251	105	89	16	15.0
California					
Central	403	134	113	22	15.4
Eastern	422	132	111	21	16.2
Northern	190	124	106	19	14.8
Southern	326	101	85	16	15.4
Guam	22	167	132	36	20.3
Hawaii	222	146	121	25	17.0
Idaho	267	143	119	24	17.1
Montana	236	156	130	27	16.9
Nevada	182	125	104	20	16.3
Northern Mariana Islands	4	127	94	33	23.9
Oregon	124	126	104	22	16.9
Washington					
Eastern	106	135	115	19	14.7
Western	98	119	102	17	13.0
TENTH CIRCUIT	1,463	153	125	27	16.9
Colorado	159	127	105	21	17.5
Kansas	440	159	132	27	16.9
New Mexico	165	138	111	27	16.4
Oklahoma					
Eastern	80	156	131	25	16.0
Northern	115	169	140	30	16.9
Western	124	178	137	41	16.4
Utah	200	136	114	22	16.2
Wyoming	180	161	133	28	18.1
ELEVENTH CIRCUIT	3,746	160	132	28	17.3
Alabama					
Middle	117	152	129	23	15.4
Northern	233	156	123	34	19.0
Southern	294	173	141	33	18.1
Florida					
Middle	925	145	120	25	17.2
Northern	389	206	170	36	17.2
Southern	830	154	130	25	15.9
Georgia					
Middle	215	115	90	25	22.0
Northern	467	181	151	30	16.4
Southern	276	151	124	28	17.8

¹ Of the 50,998 cases reported to the Commission, 224 cases were excluded from this analysis because the case cannot be matched with an original case in the Commission's records and 19,015 cases were excluded from this analysis because the court denied the motion for a sentence reduction. Of the remaining 31,759 cases, 765 cases in which the court granted the motion were excluded from this analysis because the offender was sentenced to time served but the resulting term of imprisonment could not be determined from the records received by the Commission.

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 8

REASONS GIVEN BY SENTENCING COURTS FOR DENIAL OF MOTION¹

REASONS	N	%
Offense does not involve drugs	1,038	5.0
Sentence is determined by a non-drug guideline	803	3.9
Case does not involve drugs	235	1.1
Offender not eligible under §1B1.10	12,053	57.9
Career Offender or Armed Career Criminal provisions control sentence	3,817	18.3
Statutory mandatory minimum controls sentence	3,243	15.6
Guideline range does not change	2,481	11.9
Already received Amendment 782 reduction	1,889	9.1
Original sentence has been served	323	1.6
Defendant will be released before November 1, 2015	193	0.9
Statutory maximum sentence is less than applicable guideline range	104	0.5
Base offense level is 43	3	0.0
Denied on the merits	4,690	22.6
Offender has already benefitted from departure or variance	2,258	10.8
Denial because of binding plea ²	805	3.9
18 U.S.C. § 3553(a) factors	707	3.4
Protection of the public	555	2.7
Post-sentencing or post-conviction conduct	365	1.8
No reason provided/Other reason	3,046	14.6
No reason provided	2,418	11.6
Other	628	3.0

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, 20,827 reasons were cited in the 19,090 cases in which the court denied the motion for a sentence reduction pursuant to the retroactive application of Amendment 782.

² In *Hughes v. United States*, 584 U.S. ___ (2018), the United States Supreme Court held that offenders whose petition for a reduced sentence under 18 U.S.C. § 3582(c) was denied because a binding plea agreement had applied at the time they were sentenced were not precluded by this fact from seeking a sentence reduction. Approximately 76 of these offenders have been granted a sentence reduction upon a subsequent motion to the sentencing court after the date of the Hughes decision (June 4, 2018).

SOURCE: U.S. Sentencing Commission, Amendment 782 Datafile.