INTERACTIVE

Case Law Update

JANUARY – MARCH 2026

Case Law Update provides brief summaries of select Supreme Court and appellate court decisions that involve the guidelines and other aspects of federal sentencing. Each quarterly release is replaced with a cumulative update. Cases appear in descending chronological order within a circuit. The Commission publishes this document to assist in understanding and applying the sentencing guidelines. The information does not necessarily represent the official position of the Commission, and it should not be considered definitive or comprehensive.

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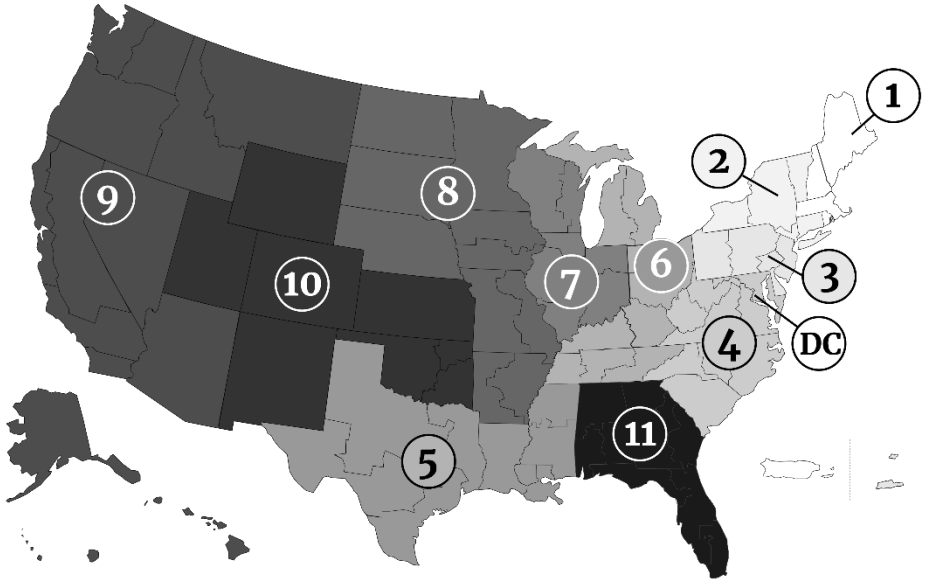

Cases appear in descending chronological order within a circuit.

Appellate Court

Career Offender

Ninth Circuit

United States v. Casildo, 171 F.4th 1164 (9th Cir. 2026)	The *actus reus* clause of Nev. Rev. Stat. § 453.321(1)(a)—which "makes it a felony for a person to '[i]mport, transport, sell, exchange, barter, supply, prescribe, dispense, give away or administer'" a controlled substance—is indivisible and broader than the federal drug-trafficking statute. Therefore, a conviction under that statute is not a "controlled substance offense" under §4B1.1(a).
United States v. Chavez-Echeverria, 170 F.4th 1244 (9th Cir. 2026)	Attempted first-degree assault under Or. Rev. Stat. §§ 163.185(1)(a) and 161.405 is categorically a "crime of violence" under §4B1.2(a)(1) because that offense requires "taking a substantial step toward causing serious physical injury to another," which necessarily entails "taking a substantial step toward the use of physical force."
United States v. Gomez, 165 F.4th 1199 (9th Cir. 2026) (en banc)	A conviction for assault with a deadly weapon that is not a firearm under California Penal Code § 245(a)(1) is not a "crime of violence" under §4B1.2(a) because that offense "does not require an intent to apply force, knowledge that an action will cause force to be applied to another, or even subjective awareness of a risk that such force will result."

Eleventh Circuit

United States v. Ott, 166 F.4th 116 (11th Cir. 2026)	A conviction for New York attempted second degree robbery is a "crime of violence" under §4B1.2 because the substantive robbery statute requires forcible stealing of property and the guideline defines "crime of violence" to include attempts.

Categorical Approach

Third Circuit

United States v. Smith, 165 F.4th 751 (3d Cir. 2026)	Attempted murder of a federal witness in violation of 18 U.S.C. § 1512(a)(1)(C) is categorically a "crime of violence" under 18 U.S.C. § 924(c)(3)(A) "because the government must necessarily prove that the defendant at least attempted to use physical force."
United States v. Minter, 164 F.4th 243 (3d Cir. 2026)	A Virginia conviction for unlawful wounding involved the use of physical force, and therefore categorically qualifies as "a crime of violence" and an enhanced base offense level under §2K2.1(a)(1).

Eighth Circuit

United States v. Ferguson, 163 F.4th 541 (8th Cir. 2026)	"Because [Ark. Code Ann.] section 5-64-401(a)(1)(A)(i) criminalizes a wider range of cocaine isomers than § 102 of the [Controlled Substances Act], [a] conviction under section 5-64-401(a)(1)(A)(i) was not for a 'serious drug offense' and did not qualify as a predicate offense for the ACCA enhancement."

Tenth Circuit

United States v. Singer, 164 F.4th 1207 (10 Cir. 2026)	Oklahoma assault and battery with a dangerous weapon "is not a categorical crime of violence under either the United States Sentencing Guidelines . . . or [a violent felony] under the Armed Career Criminal Act" because the state statute "includes within its ambit assault and battery of an unborn victim, and, under our precedent, the term 'crime of violence' does not include any crime against unborn persons."
United States v. Griffin, 164 F.4th 782 (10th Cir. 2026)	California Penal Code § 311.11, "which criminalizes possession of images that depict a minor 'personally engaging in or simulating sexual conduct,'" does not qualify as a predicate offense under § 2252A(b)(2) "[b]ecause § 311.11 sweeps in conduct broader than § 2252A(b)(2)'s generic offense" as it "criminalizes possession of any image of 'any touching' between and adult and child where the adult has a sexual subjective intent."

Eleventh Circuit

United States v. Lightsey, 169 F.4th 1241 (11th Cir. 2026)	Florida attempted armed robbery is not categorically a violent felony under the ACCA, because, in light of *United States v. Taylor*, 596 U.S. 845 (2022), abrogating circuit precedent, a completed crime's qualification as a violent felony no longer shows that an attempt to commit that same crime is necessarily a violent felony.
United States v. Hicks, 166 F.4th 933 (11th Cir. 2026)	Georgia's definition of marijuana, which diverges from the federal definition excluding "mature stalks" by excepting "completely defoliated mature stalks," is not categorically impermissibly overbroad. "[T]he divergent language does not establish a 'realistic probability' that Georgia would actually prosecute conduct falling outside the federal definition," as neither definition excepts the leaves of the marijuana plant.

Chapter Three Adjustments

First Circuit

United States v. Yoon, 167 F.4th 556 (1st Cir. 2026)	"[A] healthcare professional can occupy a position of trust in relation to a health insurance company" for application of the adjustment at §3B1.3 because the insurers "cannot review each claim individually" and must instead rely on medical professionals' good faith. With this holding, the First Circuit joins the Second, Third, Fourth, Fifth, Sixth, Seventh, Ninth, and D.C. Circuits, and it splits with the Eleventh Circuit, which requires a fiduciary relationship with the victim for the adjustment to apply.

Second Circuit

United States v. Saab, 164 F.4th 198 (2d Cir. 2026)	Where the district court erred in applying the terrorism adjustment in §3A1.4 based on the defendant's 18 U.S.C. § 2339D offense, remand was required to determine if the adjustment could otherwise be applied under either the "involved . . . a federal crime of terrorism" prong or the "intended to promote [] a federal crime of terrorism" prong.

Compassionate Release

Eighth Circuit

United States v. Rodriguez-Mendez, 168 F.4th 1123 (8th Cir. 2026)	For purposes of §1B1.13(b)(6), whether a sentence is "'unusually long,' an inherently comparative term, must be determined in the context of a particular defendant and his offense conduct." Here, the defendant did not qualify for relief "because his life sentence is not unusually long in light of his violent and egregious conduct."

Eleventh Circuit

United States v. Robelo-Galo, 166 F.4th 1311 (11th Cir. 2026)	To establish eligibility for release as the "only available caregiver" for a family member under §1B1.13(b)(3)(C), a movant must demonstrate that no other person is both qualified—*i.e.*, has the capacity—and free—*i.e.*, prevented by no material constraint—to provide the needed care.

Criminal History

No cases selected by Commission staff.

Drug Offenses

No cases selected by Commission staff.

Economic Crimes

First Circuit

United States v. Yoon, 167 F.4th 556 (1st Cir. 2026)	The special rule in Application Note 3(E)(viii) to §2B1.1—stating that the aggregate dollar amount of fraudulent bills submitted to a government healthcare program constitutes prima facie evidence of intended loss—does not prohibit use of the same approach for private health insurance fraud. District courts "retain discretion to use submitted bills as a proxy for intended loss in private health insurance fraud cases, as they do in all other fraud contexts."
United States v. Abbas, 165 F.4th 659 (1st Cir. 2026)	Where the defendant's base offense level was determined under §2S1.1(a)(1), the district court properly applied a 2-level enhancement under §2S1.1(b)(2)(B) for a conviction under 18 U.S.C. § 1956. The exception in Application Note 3(C)—directing that §2S1.1(b)(2)(B) "shall not apply if the defendant was convicted of a conspiracy under 18 U.S.C. § 1956(h) and

	the sole object of that conspiracy was to commit an offense set forth in 18 U.S.C. § 1957"—applies only if the Base Offense Level is determined under §2S1.1(a)(2).

Firearms

Fourth Circuit

United States v. Holman, 171 F.4th 303 (4th Cir. 2026)	The definition of the term "large capacity magazine" in Application Note 2 to §2K2.1 is entitled to deference under *Kisor v. Wilkie*, 588 U.S. 588 (2019). As used in §2K2.1(a)(3), "large capacity magazine" is "genuinely ambiguous," and the interpretation of the term found in the commentary is reasonable and entitled to "controlling weight."

Sixth Circuit

United States v. Rolon, 165 F.4th 1036 (6th Cir. 2026)	Regardless of the individual's "participation in [a Michigan] diversion program [the individual remained] 'under indictment' and thus a 'prohibited person' for [the purposes of §2K2.1(a)(4)(B)]. "Nothing dissolved or withdrew the original information filed by Michigan prosecutors" and "a court's 'discretion[ary]' revocation of the trainee program . . . 'will automatically result in a conviction and sentence.'"

Ninth Circuit

United States v. Ferrari, 170 F.4th 1225 (9th Cir. 2026)	Under the 2021 *Guidelines Manual*, Application Note 13 to §2K2.1 "does not require it to be true that the transferee was an unlawful possessor or intended to use the firearms unlawfully" for the §2K2.1(b)(5) firearms-trafficking enhancement to apply. With this holding, the Ninth Circuit joins the Sixth, Seventh, and Eleventh Circuits, and it splits with the Tenth Circuit.

First Step Act of 2018

Ninth Circuit

United States v. Engstrom, 166 F.4th 835 (9th Cir. 2026)	The district court plainly erred in granting safety valve relief under 18 U.S.C. § 3553(f) because the criminal-history requirements under 18 U.S.C. § 3553(f)(1) are "disjunctive," as explained in *Pulsifer v. United States*, 601 U.S. 124 (2024). Though *Pulsifer* was decided after sentencing, its application on direct appeal did not violate the defendant's due process rights.

Relevant Conduct

Third Circuit

United States v. Texidor, 164 F.4th 248 (3d Cir. 2026)	As a matter of first impression, §1B1.3(c) "does not preclude courts from considering acquitted conduct when analyzing the factors under 18 U.S.C. § 3553(a) and determining whether and where to impose a sentence within or outside of the Guidelines range."

Eleventh Circuit

United States v. Barry, 163 F.4th 1346 (11th Cir. 2026)	The district court erred by holding the defendant accountable at sentencing for the total loss amount caused by his coconspirators without first considering whether those losses fell within the scope of the jointly undertaken criminal activity that was reasonably foreseeable to the defendant pursuant to §1B1.3.

Restitution

Third Circuit

United States v. Abrams, 165 F.4th 784 (3d Cir. 2026)	Section 3663A(b)(4) of the Mandatory Victims Restitution Act authorizing "other expenses" does not include restitution for victims' attorneys' fees.

Eleventh Circuit

United States v. Alexander, 170 F.4th 1303 (11th Cir. 2026)	Where a defendant is convicted of making a false statement relating to health care matters in violation of 18 U.S.C. § 1035 but not of a related conspiracy, restitution pursuant to the Mandatory Victims Restitution Act must be based on actual losses proximately caused by a victim's reliance on the defendant's false statement.
United States v. Mims, 167 F.4th 1340 (11th Cir. 2026)	A district court retains ancillary jurisdiction to enforce compliance with a restitution order after discharge of the defendant's probation sentence.

Sentencing Procedure

Sixth Circuit

United States v. Hawkins, 165 F.4th 442 (6th Cir. 2026)	"[A] district court commit[s] clear error by relying on [a co-conspirator's] scant, uncorroborated, and out-of-court statement to estimate the bulk of the drugs attributable to [the defendant], resulting in a procedurally unreasonable sentence."

Ninth Circuit

United States v. DePape, 170 F.4th 1239 (9th Cir. 2026)	"A district court's failure to afford a defendant the allocution right is unquestionably erroneous and is thus correctable as 'other clear error'" under Federal Rule of Criminal Procedure 35(a).

Sex Offenses

Fourth Circuit

United States v. Hodges, 171 F.4th 291 (4th Cir. 2026)	The definition of the term "minor" in Application Note 1 to §2G1.3 is entitled to deference under *Kisor v. Wilkie*, 588 U.S. 588 (2019). As used in §2G1.3(b)(3)(A) and (b)(5), "minor" "falls within the 'zone of ambiguity'" with respect to whether "it is limited to real human beings" and the "character and context" of the commentary entitles it to "controlling weight."

Fifth Circuit

United States v. Lopez, 168 F.4th 316 (5th Cir. 2026)	"[T]he five-level distribution enhancement [at §2G2.2(b)(3)(B)] can apply where a defendant agrees (explicitly or implicitly), and "[b]y joining a chatroom that allows an individual to view pornography only if he contributes similar materials, the individual implicitly agrees to distribute child pornography in exchange for more of the same."
United States v. Lowe, 163 F.4th 947 (5th Cir. 2026)	The defendant's conduct coercing a minor to take and send images of child pornography went beyond "mere solicitation" and qualified for the distribution enhancement at §2G2.1(b)(3).

Sixth Circuit

United States v. Beeler, 168 F.4th 1111 (8th Cir. 2026)	A "conviction under Mo. Rev. Stat. § 568.060.1(2) undeniably pertains to, is connected with, or stands in some relation to child pornography" and thus is a qualifying offense for the mandatory minimum in 18 U.S.C. § 2252A(b)(2).

Supervised Release

Second Circuit

United States v. Jimenez, 168 F.4th 118 (2d Cir. 2026)	"[T]o justify imposing an electronic search condition when an electronic device was not used in commission of the offense, the defendant's criminal history must be extremely lengthy *and* must contain specific indicators – beyond the mere number of prior offenses – that the defendant is unusually likely to commit new offenses while on supervised release," such as "unlawful conduct during a previous term of supervision, or evidence that the defendant has been deceitful toward supervising or law enforcement officers in the past."
United States v. McAdam, 165 F.4th 688 (2d Cir. 2026)	The district court clearly erred in imposing special conditions of supervised release where it "failed to engage in the individualized assessment required for special conditions and failed to articulate the rationale for the conditions."

Fifth Circuit

United States v. Dubois, 164 F.4th 418 (5th Cir. 2026)	The court committed plain error when it impermissibly delegated a core Article III judicial function by allowing the probation officer to determine whether, while on supervised release imposed as part of a revocation sentence, the defendant would be required to participate in a substance abuse program as an inpatient or an outpatient after he served a 10-month revocation sentence.

Eighth Circuit

United States v. Higgerson, 166 F.4th 702 (8th Cir. 2026)	The district court's statement that it considered "all of the factors under § 3553(a)" at a revocation hearing was "not evidence of plain substantive error under [*Esteras v. United States*, 606 U.S. 185 (2025),] and [*United States v. Hall*, 931 F.3d 694 (8th Cir. 2019),]" which

	require establishing that "it is '"clear" or "obvious" that the district court actually relied on § 3553(a)(2)(A) –-- because it did so expressly or by unmistakable implication.'"
United States v. Newcomer, 164 F.4th 697 (8th Cir. 2026)	"The district court properly imposed [] two consecutive terms of supervised release" upon revocation for two offenses. While 18 U.S.C. § 3624(e) "prohibits consecutive terms of supervised release at the *original* imposition of supervised release," "Congress did not state that the terms of postrevocation supervised release must run concurrently."

General Application Issues

Fifth Circuit

United States v. Corona-Montano, 168 F.4th 349 (5th Cir. 2026)	Because the enhancement at §2L1.1(b)(4), which applies if the offense involved the transportation of an unaccompanied minor, does not include a scienter requirement, it is properly a strict liability sentencing enhancement.

Other Offense Types

Fifth Circuit

United States v. Swarner, 168 F.4th 309 (5th Cir. 2026)	Under the Assimilative Crimes Act (18 U.S.C. § 13), providing that a person who violates state law on a federal enclave is "guilty of a like offense and subject to a like punishment," the authorized terms of supervised release at 18 U.S.C. § 3583 are limited to the statutory maximums under section 3583(b), even when the offense is analogous to a sex offense enumerated in section 3583(k). The increased statutory minimum and maximum terms mandated by subsection (k) apply only to the "exclusive and comprehensive" list of federal offenses in that statutory section.

Ninth Circuit

United States v. Torres-Gonzalez, 169 F.4th 1129 (9th Cir. 2026)	The district court properly applied a 4-level enhancement under §2L1.2(b)(1)(A) for the defendant's prior illegal-reentry offense and an 8-level enhancement under §2L1.2(b)(3)(B) for a non-reentry offense that had been sentenced simultaneously. Even though "the sentence for the non-reentry offense was likely higher than it [otherwise] would have been" because of the guidelines' grouping rules, the plain text of §2L1.2(b)(3)(B) required an 8-level enhancement based on the length of the prior non-reentry sentence.
United States v. Brandenburg, 166 F.4th 1193 (9th Cir. 2026)	A courthouse security team's "sustained efforts over three days" to respond to the defendant's bomb threats constituted a substantial disruption of governmental functions under §2A6.1(b)(4)(A). Even if it is not public-facing, "[a] security response alone" may qualify for the enhancement because "members of security staff constitute essential parts of the organizational machinery that allow the government to function."

Eleventh Circuit

United States v. Grable, 162 F.4th 1321 (11th Cir. 2026)	"[A] taking of property does not constitute robbery under the Hobbs Act [18 U.S.C. § 1951(a)] unless force or threatened force is used before or during the taking."

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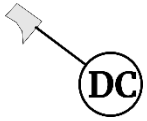

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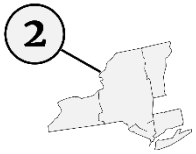

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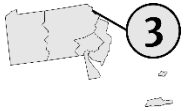

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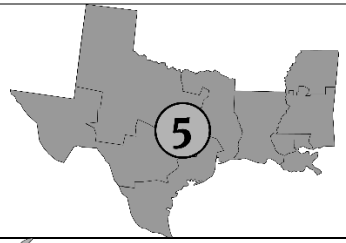

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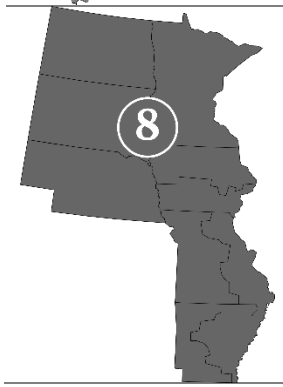

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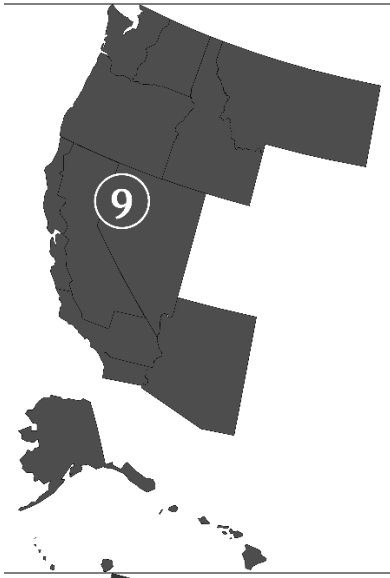

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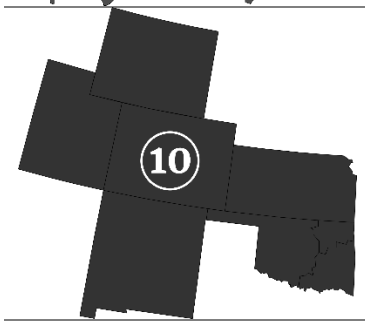

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