INTERACTIVE

Case Law Update

JANUARY – JUNE 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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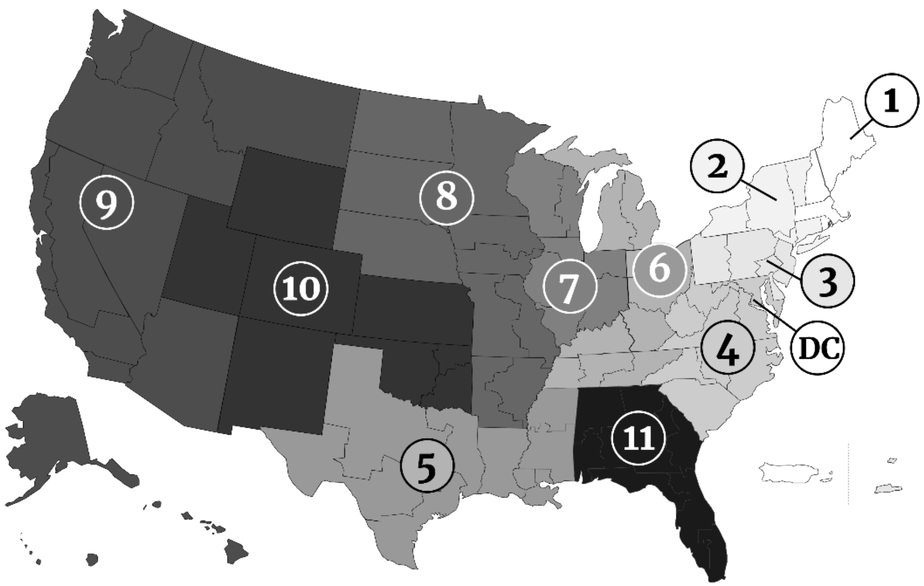

Cases appear in descending chronological order within a circuit.

U.S. Supreme Court

United States v. Hunter, 146 S. Ct. 1702 (2026)	[A]n agreement not to appeal a sentence is unenforceable when it would result in a miscarriage of justice—meaning, when it would leave in place the kind of egregious error that would bring the judicial system into disrepute.”
Fernandez v. United States, 146 S. Ct. 1292 (2026)	A federal prisoner challenging the validity of a conviction must proceed under 28 U.S.C. § 2255 and cannot rely on the alleged invalidity of the conviction as an “extraordinary and compelling reason” for relief under 18 U.S.C. § 3582(c)(1)(A)(i), which focuses on “granting mercy rather than righting legal wrongs.”
Rutherford v. United States, 146 S. Ct. 1320 (2026)	When Congress declines to make a sentencing amendment retroactive—as with the First Step Act’s change to 18 U.S.C. § 924(c)—the resulting sentencing disparity cannot serve, alone or in combination with other factors, as an “extraordinary and compelling reason” warranting compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i).
Ellingburg v. United States, 607 U.S. 163 (2026)	Restitution under the Mandatory Victims Restitution Act is “plainly criminal punishment” for purposes of the *Ex Post Facto* Clause because it is imposed as a “penalty” on a criminal defendant at sentencing following conviction, with the government—not the victim—as the adverse party to the defendant.

Appellate Court

Career Offender

First Circuit

United States v. Pimental, 176 F.4th 151 (1st Cir. 2026)	A prior conviction for carjacking under Mass. Gen. Laws ch. 265, § 21A, is not a “crime of violence” under §4B1.2(a)(1) because it can be committed by “assault,” which, in its statutory context, “covers conduct that falls outside the bounds of the force clause.”
United States v. Mao, 174 F.4th 245 (1st Cir. 2026)	A conviction under Va. Code Ann. § 18.2-53.1 for using or displaying a firearm in the commission of a robbery is a “crime of violence” either under the enumerated clause of §4B1.2 “because it categorically matches the career offender enumerated offense of ‘robbery’” or under the force clause because it “must occur ‘while’ committing the predicate offense” and, therefore, “has as an element the use, attempted use, or threatened use of physical force against the person of another.”

Fourth Circuit

United States v. Scott, 176 F.4th 806 (4th Cir. 2026)	Virginia Code § 18.2-53.1, making it illegal to use or display a firearm in the commission of "one of 12 other enumerated offenses," is "'divisible' by predicate offense." As dictated by circuit precedent, where the predicate offense is Virginia "robbery," a conviction under § 18.2-53.1 is not a "crime of violence" under the elements clause of §4B1.2(a) because the offense can be committed by conduct broader than the generic form of robbery.
United States v. Starkey, 176 F.4th 821 (4th Cir. 2026)	Manufacturing, delivering, or possessing with intent to manufacture or deliver controlled substances in violation of Del. Code Ann. Tit. 16, § 4752(a) (2011) and § 4754(1), is a "controlled substance offense" within the meaning of §4B1.2(b). "[T]he definition of 'deliver' does not broaden that element to include attempted delivery. Rather, a completed 'delivery' — the essential element of the offense — includes 'attempted transfers.'"

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. Pinkston, 177 F.4th 1309 (11th Cir. 2026)	The Supreme Court's holding in *Borden v. United States*, 593 U.S. 420 (2021), did not abrogate circuit precedent holding that federal bank robbery in violation of 18 U.S.C. § 2113(a) qualifies as a "crime of violence" under both the "force clause" (because it requires, at a minimum, knowing intimidation) and the "enumerated offenses clause" of §4B1.2. The Supreme Court's holding in *Brown v. United States*, 602 U.S. 101 (2024), did not disturb circuit precedent holding that a conviction for Florida aggravated assault qualifies as a "crime of violence," even if the offense was committed prior to the Florida Supreme Court's

	2022 clarification that assault requires more than recklessness. Career Offender determinations "require a 'backward-looking examination' of 'the law as it was when the defendant violated it.'"
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

Second Circuit

United States v. Ross, 177 F.4th 216 (2d Cir. 2026)	A Vermont domestic assault law, 13 V.S.A. § 1042, "is divisible into three offenses," one of which—"willfully or recklessly caus[ing] bodily injury to a family or household member"—"requires proof of the use of physical force" and thus qualifies as a "misdemeanor crime of domestic violence" under 18 U.S.C. § 922(g)(9).

Third Circuit

United States v. Dangleben, Jr., 177 F.4th 477 (3d Cir. 2026)	Virgin Islands territorial offenses over which the federal district court has concurrent jurisdiction with the courts of the Virgin Islands qualify as predicate "crimes of violence" under 18 U.S.C. § 924(c) if they are "of the same or similar character or part of, or based on, the same act or transaction" that constitutes a qualifying federal offense.
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).

Fourth Circuit

United States v. Goode, 177 F.4th 563 (4th Cir. 2026)	North Carolina second-degree murder under N.C. Gen. Stat. § 14-17 (2001), which included the distribution of controlled substances that caused the death of the user, is categorically a "violent felony" under the Armed Career Criminal Act. Under *United States v. Castleman*, 572 U.S. 157 (2014), "a person may use force indirectly" and state precedent establishes that second-degree murder requires a level of mens rea "closer in culpability to 'knowledge' than it is to 'recklessness.'"
United States v. Straite, 177 F.4th 261 (4th Cir. 2026)	Attempted armed bank robbery under 18 U.S.C. § 2113(d) is a crime of violence under 18 U.S.C. § 924(c)(3)(A). "[B]ecause "committing and attempting to commit the offense both require either assault or putting in jeopardy . . . , and because the assault and the putting in

	jeopardy both require use of a dangerous weapon or device, this offense categorically requires the use, attempted use, or threatened use of physical force.”

Seventh Circuit

United States v. Schatz, 178 F.4th 364 (7th Cir. 2026)	A prior conviction for child molesting under Indiana Code § 35-42-4-3(b) categorically “relat[es] to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward,” pursuant to 18 U.S.C. § 2252A(b)(2), triggering the enhanced penalties for a conviction under 18 U.S.C. § 2252A(a)(5)(B). While the language in § 35-42-4-3(b) is broad, Congress’ benchmark for § 2252A(b)(2), “relating to,” is also broad, resulting in a categorical match.

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.”

Ninth Circuit

United States v. Gonzalez-Reyes, 172 F.4th 1088 (9th Cir. 2026)	A rape conviction under Cal. Penal Code § 261(a)(2)—which can be premised on overcoming a person’s will by “duress”—qualifies as an “aggravated felony” under the Immigration and Nationality Act because the federal generic definition of “rape” encompasses acts “committed through non-physical force or threats of non-physical coercion.”

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 an adult and child where the adult has a sexual subjective intent.”

Eleventh Circuit

United States v. Irons, 176 F.4th 1275 (11th Cir. 2026)	The district court did not plainly err in finding that a Florida conviction for attempted carjacking was a crime of violence that supported an increased base offense level under §2K2.1(a)(4)(A). "Because the 2023 amendment [moving a comment that 'attempting to commit' a crime of violence is itself a 'crime of violence,' to the text of the guideline] is plausibly clarifying, it supports an interpretation of 'crime of violence' under the 2021 guidelines that includes an 'attempt[ ] to commit' crimes of violence like carjacking."
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. Ullah, 173 F.4th 399 (2d Cir. 2026)	It is not impermissible double-counting to apply §3A1.4 (Terrorism)—which "addresses harm emanating from intimidation, coercion, or retaliation aimed to influence or affect government conduct"—and "the base offense level [in §2M6.1] for an offense committed with the intent to aid a foreign terrorist organization"—which "targets harm beyond intimidating or coercing governments"—because they "address separate sentencing considerations."

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.

Third Circuit

United States v. Miller, 172 F.4th 242 (3d Cir. 2026)	"Otherwise extensive" as used in the §3B1.1(a) enhancement for a defendant's role as "an organizer or leader of criminal activity," is ambiguous; the clarifying definitions in commentary are reasonable and entitled to deference after *United States v. Nasir*, 17 F.4th 459 (3d Cir. 2021).

Eighth Circuit

United States v. Belt, 175 F.4th 993 (8th Cir. 2026)	Because §3A1.1's "definition of vulnerability is not limited to victims who were already vulnerable before the offense conduct began," the adjustment properly applied based on a victim who "became vulnerable only during the commission of the alleged crime"—namely, a "vulnerable state of semiconsciousness or unconsciousness brought on by being kicked and struck with a shovel."

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

D.C. Circuit

United States v. Flores-Hernandez, 176 F.4th 714 (D.C. Cir. 2026)	Agreeing with every circuit court to address the question, a defendant is eligible for the Zero-Point Offender reduction under USSG §4C1.1(b)(10) (2023) only if they did not receive an aggravating role reduction *and* did not engage in a continuing criminal enterprise.

Drug Offenses

Fifth Circuit

United States v. Phillips, 176 F.4th 865 (5th Cir. 2026)	The district court did not err in denying safety valve relief because the defendant's "high-speed vehicular flight from law enforcement officers"—during which he struck another vehicle—"pose[d] a very real threat of physical injury" and thus "'use[d] violence' within the meaning of 18 U.S.C. § 3553(f)(2)[]."

Seventh Circuit

United States v. Wooden, 174 F.4th 551 (7th Cir. 2026)	"Prosecutors do not need to differentiate between the d- and l-methamphetamine isomers to secure a conviction or ask courts to apply mandatory minimums under 21 U.S.C. § 841. The plain text of 21 U.S.C. §§ 812 and 841 criminalizes the possession and distribution of methamphetamine, using the generic term instead of a specific chemical formula."

Eighth Circuit

United States v. Hardy, 171 F.4th 1082 (8th Cir. 2026)	The district court "did not clearly err by concluding that [] pills' blue color and 'M30' markings indicated a substance other than fentanyl, and the district court properly applied the guidelines provision" at §2D1.1(b)(13)(A) for knowingly misrepresenting or marketing "as another substance a mixture or substance containing fentanyl."

Ninth Circuit

United States v. Tekola, 176 F.4th 606 (9th Cir. 2026)	The district court properly imposed the §2D1.1(b)(12) enhancement for "maintain[ing] a premises for the purpose of manufacturing or distributing a controlled substance" where the defendant "regularly use[d] his home for substantial drug trafficking activity," even if the premises was also used as a primary residence. With this holding, the Ninth Circuit aligns with the Sixth, Seventh, and Eighth Circuits.

Eleventh Circuit

United States v. Lebarron, 178 F.4th 646 (11th Cir. 2026)	Enhanced penalties under 21 U.S.C. § 841(b)(1)(C) for offenses resulting in death require proof only that the victim's death resulted from use of a controlled substance dispensed by the defendant, regardless of whether the defendant knew or should have known that death would result; because the statute requires but-for causation, an intervening or proximate cause defense cannot be used to challenge application of the enhanced penalty provision.
United States v. Martinez, 172 F.4th 1306 (11th Cir. 2026)	Amendment 833 to the Sentencing Guidelines, which "inserted new language into U.S.S.G. §2D1.1(e)(2)(B) expanding the circumstances under which courts should apply the minor-participant reduction under § 3B1.2," was a substantive amendment that therefore does not apply retroactively.

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).

Eighth Circuit

United States v. Weatherspoon, 174 F.4th 592 (8th Cir. 2026)	A "sophisticated means" increase under §2B1.1(b)(10)(C) was proper where conspirators used a "spoofing application that caused a local police department's phone number to display on the victim's Caller ID," impersonated actual officers, and threatened "victims with arrest unless they paid a bond" for supposedly missed court appearances. The "scam involved a 'platoon' of people" who gathered victim information and involved "repetitive and highly coordinated conduct . . . around the country for over two years" that "duped dozens of victims out of hundreds of thousands of dollars," even "if no one step . . . was particularly complicated."

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.'"

Eighth Circuit

United States v. Schneider, 178 F.4th 437 (8th Cir. 2026)	Because the *Guidelines Manual* in effect at sentencing had just been amended to preclude use of acquitted conduct, "the district court plainly erred when it considered acquitted conduct"—resisting a federal officer with a deadly weapon—in applying §2K2.1(b)(6)(B) for "possess[ing] any firearm or ammunition in connection with another felony offense."

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.

Eleventh Circuit

United States v. Irons, 176 F.4th 1275 (11th Cir. 2026)	A conviction under 18 U.S.C. § 922(g)(1) facilitated the concealed-carry violation under Fla. Stat. 790.01(3) to support the sentencing enhancement for possessing a firearm "in connection with another felony offense" because "the conduct associated with those offenses is distinct, even if [] committed [] 'contemporaneously.'"

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 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

Second Circuit

United States v. Dralle, 175 F.4th 374 (2d Cir. 2026)	"[T]he district court plainly erred in drawing any inference as to [the defendant's] potential dangerousness, or the seriousness of his offense, based upon [the co-defendant's] participation in two shootings." The "mere use of the word 'context' by a sentencing judge does not insulate a district court's consideration of a co-defendant's violent conduct from review where"—as here—"the district court does not connect its consideration of such conduct to one or more [18 U.S.C. §] 3553(a) factor."

Third Circuit

United States v. Newkirk, 174 F.4th 336 (3d Cir. 2026)	A district court's imposition of a sentence "just shy of 14 days when the Guidelines advised 92 to 115 months" was procedurally unreasonable where the court (1) "did not adequately consider two § 3553(a) sentencing factors" and (2) "failed to provide sufficient justification for its substantial downward variance." The sentence was substantively unreasonable as "[t]he weight the [court] placed on the first § 3553(a) factor [] cannot support its sentence."

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."

Eighth Circuit

United States v. Evans, 175 F.4th 950 (8th Cir. 2026)	Where the district court did not submit "incarceration-related facts" about the defendant's prior conviction to the jury at trial, it properly scheduled sentencing without an enhanced mandatory minimum based on that conviction. Absent a jury finding, the defendant's "Sixth Amendment rights would be violated. But if the court empaneled a jury to resolve these facts, it would violate 18 U.S.C. § 851, since [the defendant] already objected to the [enhancement] and the statute required the court to resolve his objection 'without a jury.'"
United States v. Williams, 171 F.4th 1086 (8th Cir. 2026)	While some circuits have held otherwise, the sentencing package doctrine applies at "resentencing after one count was vacated on appeal" even if "the remaining counts were 'interdependent,' that is, were either sentenced concurrently or were grouped together at the initial sentencing for the purpose of calculating the defendant's offense level[.]"

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).

Tenth Circuit

United States v. Smith, 178 F.4th 572 (10th Cir. 2026)	Failure to apply the appropriate guideline was not harmless error even though another conviction, with a concurrent sentence, was not overturned pursuant to the sentencing-package doctrine as the conduct for the two convictions overlapped and "[i]n explaining the sentence, the district court did not distinguish between the counts of convictions or otherwise suggest it would have imposed the same sentence for [the] child-abuse conviction independent of the [other conviction]."

Eleventh Circuit

United States v. Morilla, 177 F.4th 1291 (11th Cir. 2026)	An error calculating the Guidelines is not rendered harmless under the alternative-sentence doctrine—a statement that the court would impose the same sentence irrespective of an alleged error—if the court's statement is made before hearing the parties' arguments under 18 U.S.C. § 3553(a) and allocution of the defendant.

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. White, 177 F.4th 414 (2d Cir. 2026)	The district court did not plainly err in concluding that 18 U.S.C. § 3146(b)(2)—which provides that “[a] term of imprisonment imposed under this section [for failure to appear] shall be consecutive to the sentence of imprisonment for any other offense”—mandated that “a sentence for a defendant’s failure to appear at a supervised release violation hearing must be imposed consecutive to the sentence for the underlying violation.”
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.”

Fourth Circuit

United States v. Watson, 177 F.4th 601 (4th Cir. 2026)	Because 18 U.S.C. § 3563(b)(19) provides that home detention "may be imposed only as an alternative to incarceration," for a period of home detention to be imposed as such an alternative, the court "must choose to forgo an equivalent period of incarceration that it otherwise could have imposed."
United States v. Jones, 173 F.4th 87 (4th Cir. 2026)	Where the defendant was charged with and admitted to a Grade C violation under §7B1.1 for testing positive for illegal drugs in violation of a condition of supervised release to "submit to substance abuse testing," the district court plainly erred in sentencing the defendant for a Grade B violation requiring resentencing. "[W]hile illegal drug use or possession may possibly be inferred from failed drug tests, . . . we conclude that the record does not show that the district court made the inference."

Fifth Circuit

United States v. Baldemoro, 178 F.4th 933 (5th Cir. 2026)	Because 18 U.S.C. § 3583(e)(3) is a statutory mechanism "separate and apart from the underlying statute of conviction," a term of imprisonment imposed upon revocation of supervised release is not limited "based on the [statutory] maximum imprisonment term authorized in the [] statute of conviction."
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.

Sixth Circuit

United States v. Barton, 174 F.4th 1007 (6th Cir. 2026)	"[W]hen a district court predetermines a supervisee's revocation term of imprisonment at an earlier violation hearing, [] the end result is a term of imprisonment that is both procedurally and substantively unreasonable."
United States v. Collins, 171 F.4th 830 (6th Cir. 2026)	"[D]istrict courts cannot employ a blanket rule requiring defendants to complete a certain proportion of their supervised-release term without conducting an individualized assessment of the relevant § 3553(a) factors." The district court erred by refusing to consider the sentenced individuals' request to terminate supervised release without explaining "how, if at all, the proportion of [the] supervised-release term [] completed pertains to any relevant § 3553(a) consideration."

Eighth Circuit

United States v. Farmer, 172 F.4th 621 (8th Cir. 2026)	A revocation sentence under 18 U.S.C. § 3583(g) and (e) does not violate the "constitutional right to have a jury determine the necessary facts beyond a reasonable doubt," pursuant to "the rule of Justice Breyer's concurrence [in *United States v. Haymond*, 588 U.S. 634 (2019)], which agreed largely with the *Haymond* dissent and declined to transplant the *Apprendi* [*v. New Jersey*, 530 U.S. 466 (2000),] line of cases to the supervised-release context."
United States v. Mejia, 172 F.4th 601 (8th Cir. 2026)	A challenge to a condition requiring the defendant "to perform up to 20 hours of community service per week until [he is] employed," was not yet ripe for adjudication as it "only kicks in once he starts supervised release, which will require him to serve more than 25 years in prison first," and it "rests upon 'contingent future events'" that "may never arise."
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), that 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.

Eighth Circuit

United States v. Seizys, 179 F.4th 625 (8th Cir. 2026)	The defendant was ineligible for a sentence reduction under 18 U.S.C. § 3582(c)(2) based on a retroactive guideline amendment where his guideline range "was not 'a relevant part of the analytical framework'" used to determine his sentence; rather, the court relied on a plea "agreement that allowed [the defendant] to avoid a life sentence."

Ninth Circuit

United States v. Kheyre, 176 F.4th 1169 (9th Cir. 2026)	Congress did not violate the nondelegation doctrine or the separation of powers by making the Commission's policy statements binding in proceedings under 18 U.S.C. § 3582(c)(2). Further, the applicable policy statement at §1B1.10 "unambiguously does not include departures when calculating the amended guideline range" because "a departure is a sentence imposed outside of the applicable guideline range."

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 section 3583(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."

Tenth Circuit

United States v. Smith, 178 F.4th 572 (10th Cir. 2026)	Under §2X5.1, "Oklahoma's child-abuse-by-injury statute [Okla. Stat. tit. 21 § 843.5(A)] is sufficiently analogous to the federal sentencing guideline for aggravated assault [§2A2.2]" because "both federal aggravated assault and child abuse by injury *typically* result in serious injury to the victim" and an affirmative act.

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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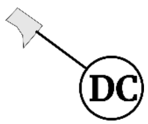

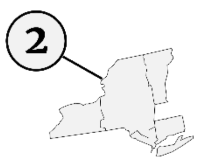

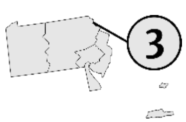

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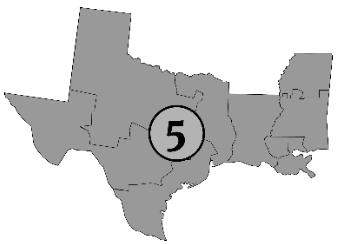

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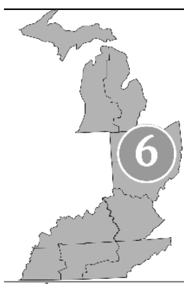

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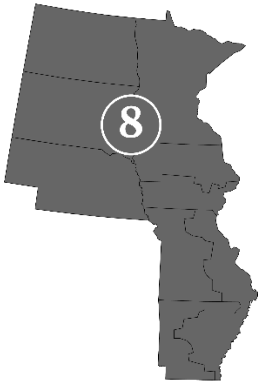

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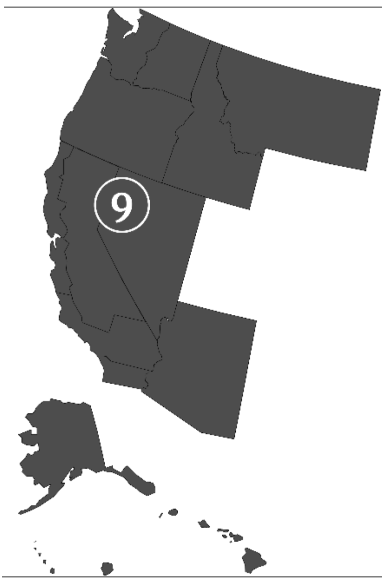

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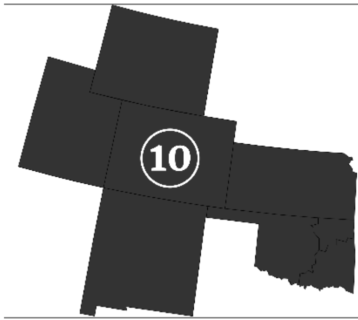

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