



Fifth Circuit Case Law Update

December 2023

Compassionate Release

U.S. v. Stanford, 79 F.4th 461 (5th Cir. 2023)
U.S. v. Escajeda, 58 F.4th 184 (5th Cir. 2023)
U.S. v. Melendez, 57 F.4th 505 (5th Cir. 2023)
U.S. v. Rollins, 53 F.4th 353 (5th Cir. 2023)
U.S. v. Handlon, 53 F.4th 348 (5th Cir. 2022)
U.S. v. Rodriguez, 27 F.4th 1097 (5th Cir. 2022)
U.S. v. Jackson, 27 F.4th 1088 (5th Cir. 2022)
U.S. v. Perez, 27 F.4th 1101 (5th Cir. 2022)

Safety Valve (18 U.S.C. § 3553(f))

U.S. v. Palomares, 52 F.4th 640 (5th Cir. 2022)

Relevant Conduct

U.S. v. Lopez, 70 F.4th 325 (5th Cir. 2023)
U.S. v. Appellant I, 56 F.5th 385 (5th Cir. 2022)

Drugs Offenses (§2D1.1)

Drug Weight

U.S. v. Hill, 80 F.4th 595 (5th Cir. 2023)
U.S. v. Lujan, 25 F.4th 324 (5th Cir. 2022)

Specific Offense Characteristics

U.S. v. Ajayi, 64 F.4th 243 (5th Cir. 2023) (§2D1.1(b)(2): violence)
U.S. v. Dennis, 41 F.4th 732 (5th Cir. 2022) (§2D1.1(b)(12): maintaining establishment)

Fraud Offenses (§2B1.1)

Determining Loss

U.S. v. Hamilton, 37 F.4th 246 (5th Cir. 2022)
U.S. v. Alfaro, 30 F.4th 514 (5th Cir. 2022)
U.S. v. Mesquias, 29 F.4th 276 (5th Cir. 2022)
U.S. v. Lagos, 25 F.4th 329 (5th Cir. 2022)



Substantial Financial Hardship (§2B1.1(b)(2))

U.S. v. Aderinoye, 33 F.4th 751 (5th Cir. 2022)

U.S. v. Alfaro, 30 F.4th 514 (5th Cir. 2022)

Sophisticated Means (§2B1.1(b)(12))

U.S. v. Davis, 53 F.4th 833 (5th Cir. 2023)

U.S. v. Alfaro, 30 F.4th 514 (5th Cir. 2022)

Firearms (§2K2.1)

U.S. v. Luna-Gonzalez, 34 F.4th 479 (5th Cir. 2022) (base offense level)

U.S. v. Sharp, 62 F.4th 951 (5th Cir. 2023) (§2K2.1(b)(4): ghost guns)

U.S. v. Choulart, 75 F.4th 489 (5th Cir. 2023) (§2K2.1(b)(6): in connection with)

U.S. v. Singletary, 29 F.4th 313 (5th Cir. 2022) (§2K2.1(b)(6): in connection with)

Sex Offenses

U.S. v. Northington, 77 F.4th 331 (5th Cir. 2023) (18 U.S.C. § 2251(e): prior conviction)

U.S. v. Moore, 71 F.4th 392 (5th Cir. 2023) (§ 2251(e): prior conviction)

U.S. v. Grzowski, 57 F.4th 237 (5th Cir. 2023) (§ 2251(e): prior conviction)

U.S. v. Butler, 65 F.4th 199 (5th Cir. 2023) (§2G2.1(a)(2): sex act)

U.S. v. McGavitt, 28 F.4th 571 (5th Cir. 2022) (§2G2.1(b)(3): distribution)

U.S. v. Sadeek, 77 F.4th 320 (5th Cir. 2023) (§4B1.5)

Immigration Offenses

Alien Smuggling (§2L1.1)

U.S. v. Buendia, 73 F.4th 336 (5th Cir. 2023)

U.S. v. Hernandez, 48 F.4th 367 (5th Cir. 2022)

U.S. v. Ramirez, 37 F.4th 233 (5th Cir. 2022)

U.S. v. Castello-Palma, 30 F.4th 284 (5th Cir. 2022)

Illegal Reentry (§2L1.2)

U.S. v. Cordova-Lopez, 34 F.4th 442 (5th Cir. 2022)

Chapter 3 Adjustments

U.S. v. Swenson, 25 F.4th 309 (5th Cir. 2022) (§3A1.1)

U.S. v. Hamilton, 37 F.4th 246 (5th Cir. 2022) (§3B1.1)

U.S. v. Aderinoye, 33 F.4th 751 (5th Cir. 2022) (§3B1.1)

U.S. v. Anguiano, 27 F.4th 1070 (5th Cir. 2022) (§3B1.1)

U.S. v. Lara, 23 F.4th 459 (5th Cir. 2022) (§3B1.4)

U.S. v. Mora-Carillo, 80 F.4th 712 (5th Cir. 2022) (§3C1.1)



Chapter 3 Adjustments (con't)

U.S. v. Mendoza-Gomez, 69 F.4th 273 (5th Cir. 2023) (§3C1.1)

U.S. v. Ajayi, 64 F.4th 243 (5th Cir. 2023) (§3C1.1)

U.S. v. Melendez, 57 F.4th 505 (5th Cir. 2023) (§3C1.2)

U.S. v. Kelly, 40 F.4th 276 (5th Cir. 2022) (§3C1.2)

Categorical Approach

ACCA

U.S. v. Villarreal, -F.4th-, 2023 WL 8422283 (5th Cir. Dec. 5, 2023)

U.S. v. Kerstetter, 82 F.4th 437 (5th Cir. 2023)

U.S. v. Alkequani, 78 F.4th 203 (5th Cir. 2023)

U.S. v. Powell, 78 F.4th 203 (5th Cir. 2023)

U.S. v. Sosebee, 59 F.4th 151 (5th Cir. 2023)

U.S. v. Thompson, 54 F.4th 49 (5th Cir. 2022)

U.S. v. Clark, 49 F.4th 889 (5th Cir. 2022)

U.S. v. Valencia, 66 F.4th 1032 (5th Cir. 2023)

U.S. v. Jackson, 30 F.4th 269 (5th Cir. 2022)

U.S. v. Garrett, 24 F.4th 485 (5th Cir. 2022)

Career Offender (§4B1.2)

U.S. v. Vargas, 74 F.4th 673 (5th Cir. 2023)

U.S. v. Kelly, 40 F.4th 276 (5th Cir. 2022)

U.S. v. Garner, 28 F.4th 678 (5th Cir. 2022)

U.S. v. Bates, 24 F.4th 1017 (5th Cir. 2022)

Other definitions

U.S. v. Hill, 63 F.4th 335 (5th Cir. 2023) (18 U.S.C. § 924(c))

U.S. v. Stoglin, 34 F.4th 415 (5th Cir. 2022) (18 U.S.C. § 3559)

U.S. v. Rodriguez-Flores, 25 F.4th 385 (5th Cir. 2022) (8 U.S.C. § 1326)

Above Guideline Sentences

U.S. v. Sanches, 86 F.4th 680 (5th Cir. 2023)

U.S. v. Jones, 75 F.4th 502 (5th Cir. 2023)

U.S. v. Cortez-Balderas, 74 F.4th 786 (5th Cir. 2023)

Restitution

U.S. v. Shah, 84 F.4th 190 (5th Cir. 2023)

U.S. v. Bopp, 79 F.4th 567 (5th Cir. 2023)

U.S. v. Teijeiro, 79 F.4th 387 (5th Cir. 2023)

U.S. v. Richardson, 67 F.4th 268 (5th Cir. 2023)



Restitution (con't)

U.S. v. Sepulveda, 64 F.4th 700 (5th Cir. 2023)

U.S. v. Alfred, 60 F.4th 979 (5th Cir. 2023)

U.S. v. Hagen, 60 F.4th 932 (5th Cir. 2023)

U.S. v. Davis, 53 F.4th 833 (5th Cir. 2022)

U.S. v. Tarnawa, 26 F.4th 720 (5th Cir. 2022)

U.S. v. Swenson, 25 F.4th 309 (5th Cir. 2022)

Supervised Release Conditions

U.S. v. Pelayo-Zamarripa, 81 F.4th 456 (5th Cir. 2023)

U.S. v. Reyna, 80 F.4th 628 (5th Cir. 2023)

U.S. v. Caillier, 80 F.4th 564 (5th Cir. 2023)

U.S. v. Baez-Adriano, 74 F.4th 292 (5th Cir. 2023)

U.S. v. Villaneuva-Cardenas, 59 F.4th 759 (5th Cir. 2023)

U.S. v. Prado, 53 F.4th 316 (5th Cir. 2022)

U.S. v. Martinez, 47 F.4th 364 (5th Cir. 2022)

U.S. v. Pinon-Saldana, 44 F.4th 264 (5th Cir. 2022)

U.S. v. Badillo, 36 F.4th 660 (5th Cir. 2022)

U.S. v. Meija-Banegas, 32 F.4th 450 (5th Cir. 2022)

U.S. v. Perez-Espinoza, 31 F.4th 988 (5th Cir. 2022)

U.S. v. Aguilar-Cerda, 27 F.4th 1093 (5th Cir. 2022)

Supervised Release Revocations

U.S. v. Greer, 59 F.4th 158 (5th Cir. 2023)

U.S. v. Porter, 43 F.4th 467 (5th Cir. 2022)

Miscellaneous Issues

U.S. v. Scott, 70 F.4th 846 (5th Cir. 2023) (Harmless error)

U.S. v. Sansbury, 66 F.4th 612 (5th Cir. 2023) (Robbery)

U.S. v. Hill, 63 F.4th 335 (5th Cir. 2023) (Harmless error)

U.S. v. Meredith, 52 F.4th 984 (5th Cir. 2022) (Appeal waiver)

U.S. v. Hernandez, 48 F.4th 367 (5th Cir. 2022) (New evidence)

