



Fifth Circuit Case Law Update

April 2025

Relevant Conduct | §1B1.3

U.S. v. Earnest, -- F.4th --, 2025 WL 957673 (5th Cir. Mar. 31, 2025)

U.S. v. Rahimi, 117 F.4th 331 (5th Cir. 2024)

U.S. v. Devaney, 109 F.4th 322 (5th Cir. 2024)

U.S. v. Shultz, 88 F.4th 1141 (5th Cir. 2023)

U.S. v. Lopez, 70 F.4th 325 (5th Cir. 2023)

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

Drug Offenses | §2D1.1

Drug Weight

U.S. v. Owens, 94 F.4th 481 (5th Cir. 2024)

U.S. v. Jefferson, 89 F.4th 494 (5th Cir. 2023)

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. Wesley, 123 F.4th 423 (5th Cir. 2024)

(§2D1.1(b)(12): maintaining establishment)

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. Rao, 123 F.4th 270 (5th Cir. 2024)

U.S. v. Ritchey, 117 F.4th 762 (5th Cir. 2024)

U.S. v. Kasali, 111 F.4th 637 (5th Cir. 2024)

U.S. v. King, 93 F.4th 845 (5th Cir. 2024)

U.S. v. Johnson, 94 F.4th 434 (5th Cir. 2024)

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. Day, 117 F.4th 622 (5th Cir. 2024)

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)





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Firearms Offenses | §2K2.1

Base Offense Levels

U.S. v. Martin, 119 F.4th 410 (5th Cir. 2024)

U.S. v. Romero, 112 F.4th 309 (5th Cir. 2024)

U.S. v. Pena, 91 F.4th 813 (5th Cir. 2024)

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

Specific Offense Characteristics/Cross-Reference

U.S. v. Cisneros, 130 F.4th 472 (5th Cir. 2025) (§2K2.1(b)(6): in connection with)

U.S. v. Henry, 119 F.4th 429 (5th Cir. 2024) (§2K2.1(b)(6): in connection with)

U.S. v. Wilson, 111 F.4th 567 (5th Cir. 2024) (§2K2.1(b)(6): in connection with)

U.S. v. Santiago, 96 F.4th 834 (5th Cir. 2024) (§2K2.1(c)(1): cross-reference)

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

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

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

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)

Sex Offenses

Guideline Issues

U.S. v. Fucito, 129 F.4th 289 (5th Cir. 2025)

(§2G2.2(b)(7): duplicate images)

U.S. v. Smith, 115 F.4th 370 (5th Cir. 2024)

(§2G1.3: undue influence)

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(b)(1): pattern)

Prior Conviction (18 U.S.C. § 2251(e))

U.S. v. Northington, 77 F.4th 331 (5th Cir. 2023)

U.S. v. Moore, 71 F.4th 392 (5th Cir. 2023)

U.S. v. Grzwinski, 57 F.4th 237 (5th Cir. 2023)

Assessments

U.S. v. Lehew, 132 F.4th 381 (5th Cir. 2025)





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Robbery Offenses | §2B3.1

U.S. v. Duffey, 92 F.4th 304 (5th Cir. 2024)

U.S. v. Brumfield, 89 F.4th 506 (5th Cir. 2023)

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

Miscellaneous Chapter Two Guidelines

U.S. v. U.S. v. Quintanilla, 114 F.4th 453 (5th Cir. 2024)

(§2C1.1: bribery)

U.S. v. Garcia, 99 F.4th 253 (5th Cir. 2024)

(§2S1.1: money laundering)

U.S. v. Shah, 95 F.4th 328 (5th Cir. 2024)

(§2B4.1: kickbacks)

U.S. v. Shultz, 88 F.4th 1141 (5th Cir. 2024)

(§2X1.1: attempts)

Chapter Three Adjustments

Vulnerable Victim (§3A1.1)

U.S. v. Smith, 115 F.4th 370 (5th Cir. 2024)

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

Aggravating Role (§3B1.1)

U.S. v. Day, 117 F.4th 622 (5th Cir. 2024)

U.S. v. Perez-Gorda, 115 F.4th 653 (5th Cir. 2024)

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

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

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

Mitigating Role (§3B1.2)

U.S. v. Brumfield, 89 F.4th 506 (5th Cir. 2023)

Obstruction of Justice (§3C1.1)

U.S. v. Parra, 111 F.4th 651 (5th Cir. 2024)

U.S. v. Ortega, 93 F.4th 278 (5th Cir. 2024)

U.S. v. Mora-Carillo, 80 F.4th 712 (5th Cir. 2023)

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

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

Reckless Endangerment (§3C1.2)

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

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

Multiple Counts (§3D1.2)

U.S. v. Vazquez-Alba, 124 F.4th 373 (5th Cir. 2024)

Acceptance of Responsibility (§3E1.1)

U.S. v. Quintanilla, 114 F.4th 453 (5th Cir. 2024)

U.S. v. Nelson, 114 F.4th 478 (5th Cir. 2024)

U.S. v. Garcia, 114 F.4th 359 (5th Cir. 2024)

U.S. v. Hildreth, 108 F.4th 912 (5th Cir. 2024)





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Criminal History

U.S. v. Garza, 127 F.4th 954 (5th Cir. 2025)

U.S. v. Morales, 122 F.4th 590 (5th Cir. 2024)

U.S. v. Hildreth, 108 F.4th 912 (5th Cir. 2024)

Categorical Approach

ACCA

U.S. v. Villarreal, 87 F.4th 689 (5th Cir. 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. Valencia, 66 F.4th 1032 (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. 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. Minor, 121 F.4th 1085 (5th Cir. 2024)

U.S. v. Rudolph, 103 F.4th 356 (5th Cir. 2024)

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. Garza, 93 F.4th 913 (5th Cir. 2024)

(21 U.S.C. § 841)

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. Hildreth, 108 F.4th 912 (5th Cir. 2024)

U.S. v. Woods, 102 F.4th 760 (5th Cir. 2024)

U.S. v. Perkins, 99 F.4th 804 (5th Cir. 2024)

U.S. v. Rider, 94 F.4th 445 (5th Cir. 2024)

U.S. v. Chiasson, 90 F.4th 832 (5th Cir. 2024)

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)





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Restitution

U.S. v. Borino, 123 F.4th 233 (5th Cir. 2024)

U.S. v. Kasail, 111 F.4th 637 (5th Cir. 2024)

U.S. v. Caudillo, 110 F.4th 808 (5th Cir. 2024)

U.S. v. Joseph, 102 F.4th 686 (5th Cir. 2024)

U.S. v. West, 99 F.4th 775 (5th Cir. 2024)

U.S. v. Shah, 96 F.4th 328 (5th Cir. 2024)

U.S. v. King, 93 F.4th 845 (5th Cir. 2024)

U.S. v. Johnson, 94 F.4th 434 (5th Cir. 2024)

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. Teixeira, 79 F.4th 387 (5th Cir. 2023)

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

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. Vega-Santos, 122 F.4th 571 (5th Cir. 2024)

U.S. v. Martin, 119 F.4th 410 (5th Cir. 2024)

U.S. v. Nelson, 114 F.4th 478 (5th Cir. 2024)

U.S. v. Woods, 102 F.4th 760 (5th Cir. 2024)

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. Greer, 59 F.4th 158 (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. Porter, 43 F.4th 467 (5th Cir. 2022)

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

U.S. v. Mejia-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)

Compassionate Release

U.S. v. Austin, 125 F.4th 688 (5th Cir. 2025)

U.S. v. Jean, 108 F.4th 275 (5th Cir. 2024)

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)





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Miscellaneous Issues

U.S. v. Flores, 130 F.4th 465 (5th Cir. 2025) (Assimilative Crimes Act)

U.S. v. De Bruhl, 118 F.4th 735 (5th Cir. 2024) (Aggregate sentence)

U.S. v. Rudolph, 103 F.4th 356 (5th Cir. 2024) (Insufficient evidence)

U.S. v. McNeal, 102 F.4th 708 (5th Cir. 2024) (Harmless error)

U.S. v. Gentile, 93 F.4th 855 (5th Cir. 2024) (Plain error)

U.S. v. Malmquist, 92 F.4th 555 (5th Cir. 2024) (Breach of plea)

U.S. v. Chiasson, 90 F.4th 832 (5th Cir. 2024) (Rule 32)

U.S. v. Diaz, 90 F.4th 335 (5th Cir. 2024) (*Lora* issue)

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

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)

