

23-7483 ESTERAS V. UNITED STATES

DECISION BELOW: 88 F.4th 1163

LOWER COURT CASE NUMBER: 23-3422

QUESTION PRESENTED:

The supervised-release statute, 18 U.S.C. § 3583(e), lists factors from 18 U.S.C. § 3553(a) for a court to consider when sentencing a person for violating a supervised-release condition. In that list, Congress omitted the factors set forth in section 3553(a)(2)(A)-the need for the sentence to reflect the seriousness of the offense, promote respect for the law, and provide just punishment for the offense. The question presented is:

Even though Congress excluded section 3553(a)(2)(A) from section 3583(e)'s list of factors to consider when revoking supervised release, may a district court rely on the section 3553(a)(2)(A) factors when revoking supervised release?

Five circuit courts of appeals, including the panel orders below, have concluded that district courts may rely on the section 3553(a)(2)(A) factors. Four circuit courts of appeals, plus the dissents from orders denying rehearing en bane below, have concluded that they may not.

CERT. GRANTED 10/21/2024