



# Case Law Update

## Eastern District of Texas Bench Bar - 2021

### First Step Act

#### Section 404

- *Terry v. U.S.*, 141 S. Ct. 1858 (2021)
- *U.S. v. Lopez*, 989 F.3d 327 (5th Cir. 2021)
- *U.S. v. Winters*, 986 F.3d 942 (5th Cir. 2021)
- *U.S. v. Whitehead*, 986 F.3d 547 (5th Cir. 2021)
- *U.S. v. Robinson*, 980 F.3d 454 (5th Cir. 2020)
- *U.S. v. Concepcion*, 991 F.3d 279 (1st Cir.), cert. granted, 2021 WL 4464217 (U.S. 2021)

#### Compassionate Release

- *U.S. v. Garrett*, -F.4th-, 2021 WL 4343293 (5th Cir. 2021)
- *Ward v. U.S.*, 11 F.4th 354 (5th Cir. 2021)
- *U.S. v. Cooper*, 996 F.3d 283 (5th Cir. 2021)
- *U.S. v. Shkambi*, 993 F.3d 388 (5th Cir. 2021)
- *U.S. v. Thompson*, 984 F.3d 431 (5th Cir. 2021)
- *U.S. v. Franco*, 973 F.3d 465 (5th Cir. 2020)

### Categorical Approach

- *Borden v. U.S.*, 141 S. Ct. 1817 (2021)
- *U.S. v. Jackson*, 7 F.4th 261 (5th Cir. 2021)
- *U.S. v. McClaren*, -F.4th-, 2021 WL 4099548 (5th Cir. 2021)
- *U.S. v. Parker*, 3 F.4th 178 (5th Cir. 2021)
- *U.S. v. Kieffer*, 991 F.3d 630 (5th Cir. 2021)
- *U.S. v. Smith*, 957 F.3d 590 (5th Cir. 2020)
- *U.S. v. Reece*, 938 F.3d 630 (5th Cir. 2019)
- *U.S. v. Buck*, 847 F.3d 267 (5th Cir. 2017)
- *U.S. v. Bass*, 996 F.3d 729 (5th Cir. 2021)
- *U.S. v. Kendrick*, 980 F.3d 432 (5th Cir. 2021)
- *U.S. v. Prentiss*, 956 F.3d 295 (5th Cir. 2020)

### Supervised Release

#### Conditions

- *U.S. v. Diggles*, 957 F.3d 551 (5th Cir. 2020) (*en banc*)
- *U.S. v. Braddy*, 11 F.4th 362 (5th Cir. 2021)
- *U.S. v. Butler*, 7 F.4th 408 (5th Cir. 2021)
- *U.S. v. Huerta*, 994 F.3d 711 (5th Cir. 2021)
- *U.S. v. Vigil*, 989 F.3d 406 (5th Cir. 2021)
- *U.S. v. Martinez*, 987 F.3d 432 (5th Cir. 2021)
- *U.S. v. Medel-Guadalupe*, 987 F.3d 424 (5th Cir. 2021)
- *U.S. v. Garcia*, 983 F.3d 820 (5th Cir. 2020)

#### Revocation

- *U.S. v. Garner*, 969 F.3d 550 (5th Cir. 2020)
- *U.S. v. Doka*, 955 F.3d 290 (5th Cir. 2020)



## Guideline Issues

### §2D1.1 Determining Drug Weight

- *U.S. v. Muhammed*, -F.4th-, 2021 WL 4205213 (5th Cir. 2021)
- *U.S. v. Johnson*, -F.4th-, 2021 WL 4205210 (5th Cir. 2021)
- *U.S. v. Martinez*, 12 F.4th 473 (5th Cir. 2021)
- *U.S. v. Lucio*, 985 F.3d 482 (5th Cir. 2021)
- *U.S. v. Barry*, 978 F.3d 214 (5th Cir. 2020)
- *U.S. v. Aparicio-Leon*, 963 F.3d 470 (5th Cir. 2020)
- *U.S. v. Eustice*, 952 F.3d 686 (5th Cir. 2020)

### §2D1.1(b)(12) Maintaining a Premises

- *U.S. v. Galicia*, 983 F.3d 842 (5th Cir. 2020)
- *U.S. v. Eustice*, 952 F.3d 686 (5th Cir. 2020)
- *U.S. v. Moton*, 951 F.3d 639 (5th Cir. 2020)

### §1B1.3 Relevant Conduct

- *U.S. v. Dechert*, 993 F.3d 399 (5th Cir. 2021)
- *U.S. v. Horton*, 993 F.3d 370 (5th Cir. 2021)

### §2B1.1 Fraud

- *U.S. v. Masha*, 990 F.3d 436 (5th Cir. 2021)
- *U.S. v. Barnes*, 979 F.3d 283 (5th Cir. 2020)
- *U.S. v. Emordi*, 959 F.3d 644 (5th Cir. 2020)
- *U.S. v. Moparty*, 11 F.4th 280 (5th Cir. 2021)
- *U.S. v. Ramirez*, 979 F.3d 276 (5th Cir. 2020)

### §2K2.1 Firearms

- *U.S. v. Abrego*, 997 F.3d 309 (5th Cir. 2021)
- *U.S. v. Bass*, 996 F.3d 729 (5th Cir. 2021)
- *U.S. v. Huerta*, 994 F.3d 711 (5th Cir. 2021)
- *U.S. v. Kendrick*, 980 F.3d 432 (5th Cir. 2020)

## Other Topics

### Reasonableness

- *U.S. v. Hudgens*, 4 F.4th 352 (5th Cir. 2021)
- *U.S. v. Tinney*, 3 F.4th 147 (5th Cir. 2021)
- *U.S. v. Khan*, 997 F.3d 242 (5th Cir. 2021)
- *U.S. v. Navarro-Jusino*, 993 F.3d 360 (5th Cir. 2021)
- *U.S. v. Burney*, 992 F.3d 398 (5th Cir. 2021)
- *U.S. v. Parkenson*, 984 F.3d 1124 (5th Cir. 2021)

### Restitution

- *U.S. v. Onyeri*, 996 F.3d 274 (5th Cir. 2021)
- *U.S. v. Williams*, 993 F.3d 976 (5th Cir. 2021)
- *U.S. v. Clark*, 990 F.3d 404 (5th Cir. 2021)
- *U.S. v. Kim*, 988 F.3d 803 (5th Cir. 2021)
- *U.S. v. Penn*, 969 F.3d 450 (5th Cir. 2020)
- *U.S. v. Emordi*, 959 F.3d 644 (5th Cir. 2020)

### Justice for Victims of Trafficking (JVTA)

- *U.S. v. Naidoo*, 995 F.3d 367 (5th Cir. 2021)
- *U.S. v. Madrid*, 978 F.3d 201 (5th Cir. 2020)

