

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals**For the Seventh Circuit****Chicago, Illinois 60604**

Submitted March 21, 2025*

Decided March 24, 2025

*Before*MICHAEL B. BRENNAN, *Circuit Judge*DORIS L. PRYOR, *Circuit Judge*NANCY L. MALDONADO, *Circuit Judge*

No. 24-2032

UNITED STATES OF AMERICA,
*Plaintiff-Appellee,**v.*ALFONSO CHAVEZ,
*Defendant-Appellant.*Appeal from the United States District
Court for the Northern District of
Illinois, Eastern Division.

No. 08-cr-746-5

Mary M. Rowland,
*Judge.***ORDER**

Alfonso Chavez appeals the denial of his motion for compassionate release under 18 U.S.C. § 3852(c)(1)(A)(i). The district court concluded that Chavez failed to establish an extraordinary and compelling reason for early release, and alternatively,

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

that the § 3553(a) factors weighed against granting his motion. Because the court did not abuse its discretion, we affirm.

In 2011, a jury found Chavez guilty of racketeering conspiracy, 18 U.S.C. §§ 1961, 1962(d); conspiracy to distribute and possess at least 500 grams of cocaine, 21 U.S.C. §§ 841(a)(1)(b), 846; and possession of cocaine with intent to distribute, § 841(a)(1), (b)(1)(C). Chavez's prison sentence consisted of concurrent terms of 20 years on the racketeering conviction and 30 years on the drug-trafficking convictions. We affirmed the judgment on direct appeal. *See United States v. Garcia*, 754 F.3d 460 (7th Cir. 2014).

In November 2022, Chavez moved for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i). He argued that his drug-trafficking sentence had been wrongly enhanced under 21 U.S.C. § 851 because of prior state convictions that we have since determined cannot serve as predicate felony drug offenses. *See United States v. De La Torre*, 940 F.3d 938, 949 (7th Cir. 2019). In his view, he was therefore serving an "unusually long" sentence and was eligible for compassionate release under U.S.S.G. § 1B1.13(b)(6). He also cited alternative grounds, including his gang renunciation and rehabilitation, *id.* § 1B1.13(d); young age, *id.* § 1B1.13(b)(2); risk of exposure to COVID-19 and monkeypox, *id.* § 1B1.13(b)(1); desire to care for his ailing father, *id.* § 1B1.13(b)(3); and harsh prison conditions.

Applying the 2023 Amendments to the Sentencing Guidelines, the district court denied Chavez's motion. It first concluded that Chavez failed to show an extraordinary and compelling reason for relief. He had not demonstrated that his sentence was unusually long. His leadership role in the gang belied any impressionable effect of his young age. He had refused to take vaccines. He was not the only caretaker for his father. He could not challenge his prison conditions through the compassionate release motion. And though Chavez had shown much rehabilitation, that reason alone could not support release. The court alternatively concluded that even if Chavez had provided an extraordinary and compelling reason, the § 3553(a) factors did not favor early release. It explained that because Chavez acted as a street section leader for the Latin Kings, he was tied to various crimes including murder, attempted murder, aggravated assault, extortion, and drug trafficking. After again acknowledging Chavez's rehabilitation, the court concluded that the seriousness of his offense, § 3553(a)(2)(A), warned against compassionate release.

Chavez appeals the denial of his compassionate release motion, a decision that we review for abuse of discretion. *See United States v. Williams*, 65 F.4th 343, 346 (7th Cir. 2023). He primarily argues that the district court erroneously determined that he lacked

an extraordinary and compelling reason for early release. But because the district court also based its decision on its assessment of the § 3553(a) factors, it provided an independent ground for denying the motion. *See id.* at 349. Therefore, we need not address whether Chavez established an extraordinary and compelling reason. *See id.*

Chavez challenges the district court's § 3553(a) analysis by first arguing that the court overlooked what he contends is the most important § 3553(a) factor: the statutory penalty allowed under the law. In his view, because Congress set the unenhanced statutory maximum for his drug convictions at 20 years, and he received 30 years because of a faulty enhancement, the § 3553(a) factors require compassionate release. But this argument conflates what he maintains is an extraordinary and compelling reason for compassionate release—the excessive length of his sentence given no-longer-valid predicate felonies for the § 851 enhancement, *see De La Torre*, 940 F.3d at 949—with the court's discretionary decision under the § 3553(a) factors. Whether the § 3553(a) factors countenance early release is a separate consideration from whether a defendant has extraordinary and compelling reasons. *See Williams*, 65 F.4th at 349. And we have held that a judicial decision announcing new law alone cannot amount to an extraordinary and compelling circumstance allowing for compassionate release. *See United States v. Brock*, 39 F.4th 462, 466 (7th Cir. 2022).

Chavez next contends that the district court erred because, when considering the § 3553(a) factors, it discussed conduct underlying his racketeering conviction, when his motion concerned only the early termination of his “unusually long” 30-year sentence for the drug-trafficking convictions. But nothing required the court to limit its discretionary inquiry in this way. When considering a sentence modification, a court's discretion to consider information is restrained “only when Congress or the Constitution limits the scope of information.” *Concepcion v. United States*, 597 U.S. 481, 486 (2022) (First Step Act); *see United States v. Bridgewater*, 995 F.3d 591, 601 (7th Cir. 2021) (“[no] obvious limits on information that a district court may consider in deciding [compassionate release] motion”). There is no limit like the one Chavez suggests. Indeed, the plain text of § 3553(a) required the court to consider Chavez's past criminal conduct including his “history and characteristics,” *see* 18 U.S.C § 3553(a)(1), and the need “to protect the public from further crimes of the defendant,” *see id.* § 3553(a)(2)(C).

Chavez lastly argues that the district court erred when it did not consider that his criminal history consisted of offenses he committed when he was a minor, which he insists is a mitigating factor. But the court considered his age when it declined to find an extraordinary and compelling reason for early release given his leadership in gang

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activities. Further, when considering the § 3553(a) factors, the court need only identify “one good reason” to deny relief. *United States v. Rucker*, 27 F.4th 560, 563 (7th Cir. 2022). And the court did that when it discussed Chavez’s actions as a street leader for the Latin Kings—it stated that granting Chavez early release would not “reflect the seriousness of the offense [and] promote respect for the law.” *See* 18 U.S.C. § 3553(a)(2)(A). We thus see no abuse of discretion in the court’s § 3553(a) analysis.

As a final note, the district court observed that Chavez did not expressly request a sentence reduction under § 3582(c)(2) in addition to compassionate release. But the court analyzed whether he was eligible for that relief because his motion repeatedly referred to Amendment 782 to the Sentencing Guidelines. Unlike compassionate release requests, however, motions under § 3582(c)(2) can be brought just once per retroactive amendment to the Guidelines. *See United States v. Beard*, 745 F.3d 288, 292 (7th Cir. 2014). Because, in the district court, Chavez did not clearly request this form of relief nor develop arguments about the effect of Amendment 782 on his guidelines range, we do not consider him to have used his single opportunity to seek a reduction based on Amendment 782. Nor do we opine on the merit of such a motion.

AFFIRMED