NONPRECEDENTIAL DISPOSITION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 November 4, 2025
Decided November 5, 2025

Before

MICHAEL Y. SCUDDER, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 24-3290

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

MATTHEW RAMOS-SOTO,
Defendant-Appellant.

Appeal from the United States District Court for the Western District of Wisconsin.

No. 3:23-CR-00103-001

James D. Peterson,
Chief Judge.

O R D E R

Matthew Ramos-Soto pleaded guilty to conspiracy to commit wire fraud, *see* 18 U.S.C. §§ 1343, 1349, and was sentenced below the guidelines to 41 months' imprisonment. He appeals, but his appointed counsel asserts that the appeal is frivolous and moves to withdraw. *See Anders v. California*, 386 U.S. 738, 744 (1967). Counsel's brief details the nature of the case and discusses issues that an appeal of this kind might be expected to involve. Because counsel's analysis appears thorough, and Ramos-Soto did not respond to the motion, *see* CIR. R. 51(b), we limit our review to the subjects that counsel discusses. *See United States v. Bey*, 748 F.3d 774, 776 (7th Cir. 2014).

In 2022 and 2023, Ramos-Soto and other conspirators participated in a wire-fraud scheme that targeted elderly Wisconsin residents. Under the scheme, conspirators—operating in Canada—called the victims and claimed to be a relative or a relative's attorney in need of bail money. The callers said that the relative had been arrested for causing a car accident that severely injured or killed another person. Several couriers, including Ramos-Soto, traveled throughout Wisconsin and picked up the cash directly from the victims at their homes. Over a four-day period, the conspirators made off with $247,085 from nearly two dozen victims. Ramos-Soto eventually was arrested and later pleaded guilty to the wire fraud offense.

Ahead of sentencing, a probation officer prepared a presentence investigation report that calculated a guidelines range of 46 to 57 months (based on a total offense level of 22 and a criminal history category of II). In assessing Ramos-Soto's total offense level, the officer began with a base level of 7, *see* U.S.S.G. §§ 2B1.1(a)(1), 2X1.1(a); added 10 levels because the loss exceeded $150,000, *see id.* § 2B1.1(b)(1)(F); added 2 levels because the offense involved 10 or more victims, *id.* § 2B1.1(b)(2)(A)(i); added 2 more because a substantial part of the scheme was committed from outside the United States, *id.* § 2B1.1(b)(10)(B); added 2 more because Ramos-Soto knowingly targeted elderly victims, *id.* § 3A1.1(b)(1); added 2 more because the offense involved "a large number" of vulnerable victims, *id.* § 3A1.1(b)(2); and then subtracted 3 levels for acceptance of responsibility. *See id.* § 3E1.1(a)–(b). The officer then assessed Ramos-Soto's criminal history category at II based on the 3 points he incurred for a Michigan conviction for receiving and concealing stolen property.

The district court accepted the calculations in the PSR, weighed the factors under 18 U.S.C. § 3553(a), and imposed a below-guidelines sentence of 41 months' imprisonment, three years of supervised release, and mandatory restitution.

In her *Anders* brief, counsel first informs us that she consulted Ramos-Soto about the risks and benefits of challenging his guilty plea and confirmed that he does not wish to do so. *See United States v. Larry*, 104 F.4th 1020, 1022 (7th Cir. 2024). Counsel therefore properly omits discussion of whether the plea was knowing and voluntary. *Id*.

Counsel considers several possible challenges that Ramos-Soto could make to the district court's calculations of his guidelines range. First, she asks whether Ramos-Soto could plausibly challenge the two-level increase for knowingly targeting vulnerable victims, *see* U.S.S.G. § 3A1.1(b)(1), given that he did not know the victims or select them.

But counsel rightly rejects this challenge as frivolous. The adjustment applies when a defendant knows or should have known that the victims were vulnerable. *Id.*; *United States v. Lewis*, 842 F.3d 467, 476-77 (7th Cir. 2016). Here, Ramos-Soto admitted in his plea agreement that he repeatedly came face-to-face with the victims when he collected money from them at their homes, and every victim the PSR described was elderly.

Counsel relatedly considers whether Ramos-Soto could challenge the two-level enhancement for participating in an offense that involved a large number of vulnerable victims. *See* U.S.S.G. § 3A1.1(b)(2). In his sentencing memorandum, Ramos-Soto had objected that the application of this provision of the vulnerable-victim guideline constituted double-counting. But counsel properly rejects this challenge because double counting is generally permissible unless the text of the Guidelines expressly forbids it. *Lewis*, 842 F.3d at 477. And here, the Guidelines do not prohibit the application of both § 3A1.1(b)(1) and (2).

Counsel next addresses whether Ramos-Soto could plausibly contest the two-level enhancement under § 2B1.1(b)(10)(B), which applies when "a substantial portion of a fraudulent scheme [is] committed from outside the United States." *See United States v. Arnaout*, 431 F.3d 994, 998–99 (7th Cir. 2005). But counsel correctly rejects this challenge as frivolous because Ramos-Soto admitted in the plea agreement that the fraudulent scheme originated in Canada when the conspirators there, posing as a relative or relative's attorney, called elderly victims. Those calls set off a chain of events that continued until Ramos-Soto or another courier traveled to the victims in Wisconsin to collect the money. *See id.* at 998–99 (upholding application of enhancement to defendant who defrauded charity in United States and later diverted portion of illicit funds to support groups engaged in armed conflicts and violence overseas).

Counsel also considers whether Ramos-Soto could challenge the district court's denial of a minor-role reduction under § 3B1.2. The reduction applies to a defendant who is "substantially less culpable" than other participants in a criminal scheme. *See United States v. McCombs*, 128 F.4th 911, 914–16 (7th Cir. 2025). But counsel correctly declines to pursue this challenge. We would reverse only if the court did not make—or clearly erred in making—factual findings to support its decision. *United States v. Turnipseed*, 47 F.4th 608, 615 (7th Cir. 2022). And here, the record supports the district court's conclusion that Ramos-Soto's role was "critical … way beyond just being a courier … integral … [in making] this scheme work."

Counsel next considers whether Ramos-Soto could challenge the district court's refusal to reduce his sentence based on the 414 days he served in state custody. We would review the court's ruling for an abuse of discretion, *see United States v. Whitlow*, 740 F.3d 433, 440 (7th Cir. 2014), and counsel rightly concludes that this challenge is frivolous. The Bureau of Prisons—which is responsible for calculating Ramos-Soto's sentence (including credits for time spent in state custody before commencing his federal sentence), *see United States v. Carr*, 107 F.4th 636, 672 (7th Cir. 2024)—would not credit his Michigan sentence because that time had been credited towards the completion of his state conviction, *see* 18 U.S.C. § 3585(b) ("[a] defendant shall be given credit toward the service of a term of imprisonment for any time he has spent in official detention prior to the date the sentence commences . . . that has not been credited against another sentence"). Because the BOP would not credit Ramos-Soto's time spent in Michigan's custody, the court was within its discretion not to reduce Ramos-Soto's sentence based on that time.

Counsel is also right that Ramos-Soto could not plausibly challenge his below-guidelines sentence. A below-guidelines sentence is presumed to be substantively reasonable, *see United States v. Oregon*, 58 F.4th 298, 302 (7th Cir. 2023), and there are no readily discernible facts in the record that would rebut this presumption. Moreover, counsel correctly concludes that it would be frivolous to assert procedural error because the court properly considered Ramos-Soto's arguments in mitigation as well as the § 3553(a) factors, including the nature, circumstances, and seriousness of the offense; Ramos-Soto's history and characteristics; and the need to protect the public.

Counsel next considers whether Ramos-Soto could contest the conditions of supervised release. But she correctly determines that Ramos-Soto waived any such challenge when, at sentencing, counsel expressly declined the district court's invitation to object to the conditions of supervised release. *See United States v. Flores*, 929 F.3d 443, 448–49 (7th Cir. 2019).

Finally, counsel properly declines challenging the district court's calculation of restitution, given Ramos-Soto's decision at the sentencing hearing not to object, despite having advance notice of the proposed amount and an express invitation to object. *See United States v. Harris*, 102 F.4th 847, 852 (7th Cir. 2024). And in any event, Ramos-Soto could not plausibly argue that the court abused its broad discretion by imposing restitution—which was mandatory under 18 U.S.C. § 3663A(c)(1)(A)(ii). *See United States v. Griffin*, 76 F.4th 724, 749 (7th Cir. 2023).

We GRANT counsel's motion to withdraw and DISMISS the appeal.