

NONPRECEDENTIAL DISPOSITION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 December 3, 2025*

Decided December 4, 2025

Before

DAVID F. HAMILTON, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 24-1661

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

JASON BEST,
Defendant-Appellant.

Appeal from the United States District
Court for the Northern District of
Indiana, Hammond Division.

No. 2:00 CR 171

James T. Moody,
Judge.

ORDER

Two decades ago, a jury found Jason Best guilty of crack-cocaine offenses under 21 U.S.C. §§ 841, 846, and 856, and he was sentenced to life imprisonment. Years later, Best and an appointed lawyer moved to reduce his sentence under § 404(b) of the First Step Act of 2018, Pub. L. 115-391, 132 Stat. 5194. The district court granted the motion

* 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).

and reduced the sentence to 40 years' imprisonment and 4 years' supervised release. Best, acting pro se, timely moved to reconsider, seeking a greater reduction. The district court denied that motion. Seeing no abuse of discretion, we affirm.

Forty years would be the statutory maximum at a full sentencing today under 21 U.S.C. § 841(b)(1)(B), given the jury's finding that at least 50 grams of cocaine base were involved in Best's drug offense. In deciding to go no lower, the district court acknowledged that Best had taken advantage of education and training in prison but noted that he had committed a dozen disciplinary infractions, including fighting. The court emphasized the large scale of the underlying conspiracy, Best's role as one of its leaders, his related firearm use, and his prior record of felony convictions and violent crimes. On reconsideration, the court stood by the 40-year reduced sentence.

The government has alerted us that after Best filed his notice of appeal from that decision, he obtained a further reduction: The President granted clemency, and Best began his supervised release in July 2025, about 21 years after his 2004 sentencing. Yet this shift does not moot his appeal, because a court that accepted Best's argument for a lesser overall sentence could, in theory, look favorably on a motion to terminate supervised release early. *See United States v. Sutton*, 962 F.3d 979, 982 (7th Cir. 2020).

Best argues that caselaw announced after his conviction should yield a greater reduction. He first cites *Alleyne v. United States*, which holds that a jury must find facts that increase a mandatory minimum or maximum. 570 U.S. 99, 107–08 (2013). But Best's reduced sentence is within the statutory range based on the jury's finding that he was responsible for more than 50 grams of cocaine base. *See* 21 U.S.C. § 841(b)(1)(B). And *Alleyne* does not limit the facts a judge may consider when calculating the guidelines range or determining a reduction under the First Step Act. *United States v. Miedzianowski*, 60 F.4th 1051, 1057 (7th Cir. 2023). Best also cites *Ruan v. United States*, which governs prosecutions of medical professionals accused of abusing their authority to prescribe drugs. 597 U.S. 450, 454 (2022). If a defendant produces evidence that he was generally authorized to dispense drugs, then the government must prove he knew he was exceeding that authority. *Id.* But nothing in the record suggests Best was a medical professional or otherwise authorized to handle cocaine. He further cites *United States v. Asbury*, which explains how to determine, on direct appeal, whether a conceded guidelines error was harmless. 27 F.4th 576, 580 (7th Cir. 2022). But *Asbury* has no apparent bearing on Best's original or reduced sentence.

Next, Best contends that the district court should have appointed new counsel to help him seek reconsideration of the 40-year term. But Best had no right to counsel for

his underlying First Step Act motion, *see United States v. Blake*, 986 F.3d 756, 758 (7th Cir. 2021), let alone a motion to reconsider. In any event, we discern no substantial argument counsel could have made.

Finally, Best maintains his innocence and asserts that his conviction and sentence stem from trial error, improvident evidentiary stipulations, ineffective assistance of counsel, fraud, a government conspiracy, and discrimination. These assertions lack support, and most have already been rejected on direct review and in collateral attacks. *See United States v. Best*, 426 F.3d 937 (7th Cir. 2005) (affirming conviction but remanding case for district judge to evaluate reasonableness of within-guidelines sentence); *United States v. Best*, 175 F. App'x 755 (7th Cir. 2006) (nonprecedential disposition) (affirming sentence as reasonable); *Best v. United States*, No. 11-1598 (7th Cir. Dec. 13, 2011) (imposing fine and filing bar for frivolous collateral attacks); *id.* (May 7, 2020) (denying motion to rescind filing bar). None yield a reasonable probability that on remand the district court would reduce the term of supervised release.

AFFIRMED