

NONPRECEDENTIAL DISPOSITION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. 25-1868

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

JAVIER HERNANDEZ,
Defendant-Appellant.

Appeal from the United States District
Court for the Central District of Illinois.

No. 1:05-CR-10062-JEH-1

Jonathan E. Hawley,
Judge.

ORDER

Javier Hernandez, a federal prisoner, appeals the denial of his second motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i). Because the district court did not abuse its discretion, we affirm the judgment.

* 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).

In 2006, Hernandez pleaded guilty to conspiring to distribute cocaine and cocaine base in violation of 21 U.S.C. §§ 841(b)(1)(A), 846. Hernandez was initially sentenced to 360 months' imprisonment; in 2015 the district court reduced his sentence to a 324-month term after a retroactive change to his Guidelines range. *See* 18 U.S.C. § 3582(c)(2).

Since then, Hernandez has moved twice for compassionate release. The district court denied the first motion in 2023 because Hernandez failed to exhaust his administrative remedies. Nevertheless, on a request to reconsider, the court addressed the merits of Hernandez's motion and concluded that Hernandez's arguments—that he was 58 years old and had served 18 years, that he wished to care for his elderly mother after the rest of his family passed away, and that he was at an increased risk of COVID-19—did not rise to the level of extraordinary and compelling reasons justifying compassionate release. Further, the court found the factors in 18 U.S.C. § 3553(a), including the seriousness of Hernandez's offense, weighed against his early release. Hernandez's appeal from that order was dismissed for failure to prosecute. *See* No. 23-3203 (7th Cir. Dec. 27, 2023).

A year later, Hernandez filed another motion for compassionate release in which he advanced similar arguments that his age, progress toward rehabilitation, and desire to spend time with his few remaining family members warranted release. He also asserted that changes in the statutory and Guidelines sentencing ranges for his offense justified a reduced sentence. The district court denied the motion, relying on its previous rejection of his family- and health-related arguments and its resolution of the § 3553(a) factors. Hernandez again appealed.

On appeal, Hernandez maintains that unspecified changes in the law and in the Sentencing Guidelines have rendered his sentence disproportionate. Non-retroactive changes to the Sentencing Guidelines, however, are expressly excluded as a basis for compassionate release in U.S.S.G. § 1B1.13(b)(6), (c). Regardless, even if these Guidelines changes, other changes in law, or his health and family circumstances could present an extraordinary and compelling reason for a sentence reduction, the district court permissibly denied relief based on the § 3553(a) factors. *See United States v. Saunders*, 986 F.3d 1076, 1078 (7th Cir. 2021).

The district court had previously determined that the § 3553(a) factors weighed against Hernandez's release, and he raised no new arguments on these factors in his latest motion. The court reasoned that release was not warranted because Hernandez had trafficked over 200 kilograms of cocaine throughout Illinois as the "chief person" in

a distribution network. The court also observed that Hernandez's sentence was already on the lower end of the sentencing range, so reducing it further would deprecate the seriousness of the offense and undermine the values of deterrence and respect for the law. 18 U.S.C. § 3553(a)(2)(A)–(B). Hernandez does not offer any reason why either of these conclusions was an abuse of the district court's broad discretion. Without such an argument, we are compelled to affirm the district court's judgment because the § 3553(a) analysis is sufficient to uphold its denial of relief. *See United States v. Sarno*, 37 F.4th 1249, 1253 (7th Cir. 2022).

AFFIRMED