

NONPRECEDENTIAL DISPOSITION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 August 18, 2026*

Decided August 20, 2026

Before

FRANK H. EASTERBROOK, *Circuit Judge*

ILANA DIAMOND ROVNER, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

No. 25-2055

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

FLOYD D. THOMAS,
Defendant-Appellant.

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

No. 1:14cr14(1) DRL

Damon R. Leichty,
Judge.

ORDER

Floyd Thomas appeals the denial of his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i). We affirm.

* 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).

Thomas pleaded guilty in 2019 to conspiracy to possess with intent to distribute cocaine, *see* 21 U.S.C. §§ 841(a)(1), 846, and possession of a firearm in furtherance of a drug trafficking crime, *see* 18 U.S.C. § 924(c). He was sentenced to 252 months' imprisonment and 5 years' supervised release.

In 2023, Thomas moved for compassionate release. *See id.* § 3582(c)(1)(A)(i). First, he argued he should be released because his conviction stemmed from a sting operation involving a fake stash house, and the government later disavowed such sting operations. Second, he contended that his § 924(c) conviction would now be unlawful under *United States v. Taylor*, 596 U.S. 845, 851 (2022), and accordingly that his penalty was "unusually long." U.S.S.G. § 1B1.13(b)(6). The court denied the motion, ruling that these arguments might properly be raised in a petition for a writ of habeas corpus but that they were not an appropriate basis for compassionate release.

Thomas appealed, and we affirmed in part and reversed in part. *See United States v. Thomas*, No. 23-3131, 2024 WL 4345294, at *1 (7th Cir. Sept. 30, 2024). We first highlighted that because Thomas filed his compassionate release motion before Sentencing Guideline Amendment 814 went into effect, the district court should not have utilized the new definition of "extraordinary and compelling" in U.S.S.G. § 1B1.13. *Id.* We thus affirmed the court's decision to reject Thomas's argument that his sentence was "unusually long." *Id.* But we remanded for the district court to consider whether the government's "cessation of a much-criticized practice" of fictitious stash-house stings was an extraordinary and compelling basis for relief. *Id.*

On remand, the district court denied the motion. Applying the Guidelines in effect at the time Thomas filed his motion, the court concluded that Thomas had failed to show an extraordinary and compelling reason justifying relief. The court explained that it considered the disfavored nature of the sting practice when imposing its sentence, and imposed the below-guidelines sentence proposed in the plea agreement. It also rejected Thomas's comparison to other cases granting compassionate release where stash-house sting operations were used, noting that those defendants were sentenced before the criticism arose. The court also concluded that even if Thomas's arrest following a sting operation was extraordinary and compelling, the § 3553(a) factors weighed against early release.

Thomas appeals, and we review the district court's reasoning for abuse of discretion. *United States v. Rucker*, 27 F.4th 560, 562 (7th Cir. 2022). The court need only "one good reason" to deny compassionate release, *id.* at 563, and here the court listed

several § 3553(a) factors—particularly Thomas’s extensive criminal history—that weighed against release. Thomas does not challenge this reasoning, so it is forfeited on appeal. See *Webster v. CDI Ind., LLC*, 917 F.3d 574, 578 (7th Cir. 2019).

In any event, we agree with the district court that the change in policy was accounted for at sentencing. While Thomas cites two cases where defendants involved in similar sting operations were granted compassionate release, *United States v. White*, No. 09 CR 687-4, 2021 WL 3418854 (N.D. Ill. Aug. 5, 2021); *United States v. Conley*, No. 11 CR 0779-6, 2021 WL 825669 (N.D. Ill. Mar. 4, 2021), the court did not consider the policy change at sentencing in either of them. Here, the policy change was considered when the original sentence was imposed. Because Thomas’s involvement in the sting operation was explicitly addressed at sentencing, it is not a “new fact” or “post-conviction” development. *United States v. Von Vader*, 58 F.4th 369, 371 (7th Cir. 2023). And regardless, “the supposed invalidity of a conviction” is not an extraordinary or compelling reason to justify compassionate release. *Fernandez v. United States*, 146 S. Ct. 1292, 1302 (2026). Thus, the court did not abuse its discretion in finding no extraordinary or compelling circumstances warranting compassionate release.

AFFIRMED