

NONPRECEDENTIAL DISPOSITION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 January 7, 2025*

Decided January 10, 2025

Before

AMY J. ST. EVE, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

No. 24-1976

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

TIMOTHY ANDREW ENDRE,
Defendant-Appellant.

Appeal from the United States District
Court for the Southern District of
Indiana, Indianapolis Division.

No. 1:14-cr-00108-SEB-MJD-01

Sarah Evans Barker,
Judge.

ORDER

Timothy Endre, who was convicted of enticing a minor through internet communications, appeals the district court's denial of his motion under 18 U.S.C. § 3582 for a sentence reduction based on Amendment 821 to the Sentencing Guidelines. The district court denied his motion because Endre is ineligible for a reduction under the amendment. 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).

Endre pleaded guilty in 2015 to enticing or coercing a minor through internet communications, 18 U.S.C. § 2422(b). His total offense level was 31 and his criminal history score was 16 (category VI), yielding a recommended guidelines range of 188–235 months' imprisonment. The court sentenced Endre to 212 months' imprisonment and 10 years of supervised release and ordered him to pay \$2,500 in restitution.

Last year, the enactment of Amendment 821 lowered the number of criminal history "status" points assigned to certain defendants for offenses committed while under another sentence. Endre, who had two status points added to his criminal history score, moved a year later for a sentence reduction under 18 U.S.C. § 3582(c)(2).

The district court denied the motion. Endre was not eligible for a sentence reduction under Amendment 821, the court explained, because the one-point decrease in status points left unchanged his criminal history category and resulting guidelines range. The court also refused to consider Endre's contention that his criminal history score was improperly calculated, as that consideration was outside the scope of a § 3582 motion.

On appeal, Endre asserts that a § 3582 motion obliges a district court to undertake a plenary review of a defendant's sentence, including the calculation of criminal history points. Such a review, Endre argues, would have uncovered errors in the criminal history computation to lower his guidelines range and render him eligible for a sentence reduction. But this argument is foreclosed by the Supreme Court's decision in *Dillon v. United States*, 560 U.S. 817 (2010). There, the Court held that § 3582(c)(2) "does not authorize a resentencing" to correct any mistakes in the original sentence. *Id.* at 831; *see also United States v. Von Vader*, 58 F.4th 369, 371 (7th Cir. 2023). And the changes brought about by Amendment 821 do not make Endre eligible for a sentence reduction because they would not reduce his guidelines range. *See Dillon*, 560 U.S. at 827.

Endre also contends that the district court prematurely decided his motion before he could submit his reply to the government's response. But no such requirement appears in 18 U.S.C. § 3582, and we have never suggested that full briefing is required. We leave to the district court's discretion the process for resolving motions under § 3582(c)(2), *see United States v. Young*, 555 F.3d 611, 615 (7th Cir. 2009), and here the court reasonably determined that Endre's ineligibility for a reduced sentence was foreordained. In any event, Endre has not explained how this decision prejudiced him. *See United States v. Gan*, 54 F.4th 467, 475 (7th Cir. 2022).

AFFIRMED