

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States v. Rivera Garcia

Rivera Garcia · No. Criminal Action No. 23-302-4 (JDB) · Decided December 17, 2025

SUMMARY

The United States District Court for the District of Columbia denied Erik Rivera Garcia’s pro se motion under 18 U.S.C. § 3582(c)(2) seeking a sentence reduction based on the zero-point offender adjustment in U.S.S.G. § 4C1.1. The court held that the adjustment was already in effect and considered at sentencing, and that Rivera Garcia was ineligible because he possessed a firearm in connection with the offense.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	John D. Bates
JURISDICTION	United States District Court for the District of Columbia
DECIDED	December 17, 2025
DOCKET	Criminal Action No. 23-302-4 (JDB)
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved pro se under 18 U.S.C. § 3582(c)(2) for a reduction of his previously imposed sentence.
PRECEDENTIAL VALUE	published

TOPICS

- sentence modification
- sentencing
- post-conviction relief
- criminal procedure

PRACTICE AREAS

- criminal law
- sentencing
- post-conviction relief

QUESTIONS PRESENTED

- Whether Rivera Garcia was eligible for a sentence reduction under 18 U.S.C. § 3582(c)(2) based on the zero-point-offender adjustment in U.S.S.G. § 4C1.1.

HOLDINGS

1. A defendant is ineligible for a sentence reduction under § 3582(c)(2) when the relied-upon guideline adjustment was already in effect and was considered at the original sentencing rather than resulting from a guideline range lowered after sentencing.

KEY QUOTATIONS

“18 U.S.C. § 3582(c)(2) provides for possible sentence reductions where a guideline range was lowered after sentencing.” (at 1)

“The Court therefore finds that Rivera Garcia is ineligible for a sentence reduction under 18 U.S.C. § 3582(c)(2).” (at 1)

FACTUAL BACKGROUND

Rivera Garcia was convicted of conspiracy and possession with intent to distribute cocaine. At sentencing, the court considered the zero-point-offender adjustment in U.S.S.G. § 4C1.1 and determined that he was ineligible because the parties agreed that he possessed a firearm in connection with the offense. A loaded Smith & Wesson revolver had been recovered between his seat and the vehicle's center console.

PROCEDURAL HISTORY

The court sentenced Rivera Garcia on July 10, 2024, to 62 months' imprisonment followed by 48 months of supervised release for conspiracy and possession with intent to distribute cocaine. He later moved under 18 U.S.C. § 3582(c)(2), relying on the zero-point-offender adjustment in U.S.S.G. § 4C1.1. The court denied the motion because the adjustment was already in effect and had been considered at sentencing, and because Rivera Garcia was ineligible due to possession of a firearm in connection with the offense.

DISPOSITION

other

OPINION

PER CURIAM.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA UNITED STATES Criminal Action No. 23-302-4 (JDB) v. ERIK RIVERA GARCIA MEMORANDUM OPINION & ORDER The Court sentenced Rivera Garcia on July 10, 2024, to 62 months in prison followed by 48 months of supervised release for conspiracy and possession with intent to distribute cocaine in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B)(ii).

See Judgment, Dkt. 140. He now moves pro se under 18 U.S.C. § 3582(c)(2) for a reduction in his sentence. See Mot., Dkt. 178. In support, he relies on U.S.S.G. § 4C1.1, which provides for a two-level reduction in offense level for offenders with zero criminal history points and no enumerated

aggravating factors. Rivera Garcia's motion is without merit. 18 U.S.C. § 3582(c)(2) provides for possible sentence reductions where a guideline range was lowered after sentencing.

But the zero-point offender adjustment has been in place since November 2023. See U.S.S.G. § 4C1.1 historical note. Thus, the Court considered it at sentencing and determined that Rivera Garcia was not eligible for a 4C1.1 adjustment.

In doing so, the Court relied on the parties' agreement that Rivera Garcia possessed a firearm in connection with the offense, thereby rendering him ineligible for the adjustment. See Plea Agreement 4, Dkt. 105 (citing U.S.S.G. § 4C1.1(a)(7)); Statement of Offense 5, Dkt. 106 (stating that a loaded Smith & Wesson revolver was recovered between Rivera Garcia's seat and the car's center console).

1 The Court therefore finds that Rivera Garcia is ineligible for a sentence reduction under 18 U.S.C. § 3582(c)(2). Accordingly, the Court DENIES [178] defendant's motion. /s/ JOHN D. BATES United States District Judge Date: December 17, 2025 2