

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Martinez v. Easter

No. 19-814 (2d Cir. Aug. 27, 2020) (summary order) · No. 19-814 · Decided August 27, 2020

SUMMARY

The United States Court of Appeals for the Second Circuit affirmed the denial of Roberto Martinez’s 28 U.S.C. § 2241 habeas petition challenging the U.S. Parole Commission’s decision to revoke his parole until 2031. The court held that the Commission had a rational basis for departing upward from the applicable parole guidelines and did not abuse its discretion by rejecting the hearing examiner’s recommendation.

CASE DETAILS

COURT	United States Court of Appeals for the Second Circuit
WRITING FOR THE COURT	Per curiam; Rosemary S. Pooler; Peter W. Hall; Denny Chin
JURISDICTION	Federal
DECIDED	August 27, 2020
DOCKET	19-814
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner-Appellant appealed the denial of a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the Federal Parole Commission's revocation and upward departure from the applicable parole guidelines.
STANDARD OF REVIEW	The court reviews federal parole decisions for abuse of discretion and asks only whether the Parole Commission had a rational basis for its decision; the court may not substitute its judgment for that of the Commission.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Roberto Martinez v. Diane Easter

TOPICS

federal habeas corpus

standard of review

judicial review of agency action

appellate procedure

post-conviction relief

PRACTICE AREAS

federal habeas corpus

parole

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QUESTIONS PRESENTED

1. Whether the Federal Parole Commission acted irrationally or arbitrarily by relying on aggravating factors related to Martinez's criminal history and conduct when departing upward from the applicable parole guidelines.
2. Whether the Commission abused its discretion by departing substantially from the parole guidelines range and from the hearing examiner's recommendation.
3. Whether the district court properly denied Martinez's petition for habeas corpus under 28 U.S.C. § 2241.

HOLDINGS

1. The Parole Commission did not engage in impermissible double-counting or act arbitrarily because it relied on materially different and more egregious aggravating factors when departing upward from the guidelines.
2. The Commission did not abuse its discretion by reaching a different result from the hearing examiner because the examiner's recommendation is not binding and the Commission retains responsibility for the ultimate parole decision.

KEY QUOTATIONS

“These aggravating factors were far more egregious than the categorical factors that were taken into account warranting the initial calculation of Martinez’s parole guidelines range.” (at 2)

“Accordingly, it is hardly irrational for the Parole Commission to confine a prisoner for longer than the applicable Guidelines range when other aggravating factors warrant such confinement.” (at 2)

“The hearing examiner only offers a recommendation to the Parole Commission.” (at 2)

“It is the [Parole] Commission, and not the Examiners, which is vested with the responsibility to make the parole decision.” (at 3)

FACTUAL BACKGROUND

The Federal Parole Commission revoked Martinez's parole and confined him until February 3, 2031, the end of his underlying federal sentences. In calculating the applicable guidelines range, the Commission considered factors including his prior convictions, offense severity, prior commitments, age, time between release and reoffense, and parole status. The Commission then departed upward based on additional aggravating circumstances, including large-scale drug trafficking, attempted murder, serious conduct while in custody, renewed drug trafficking after release, and the absence of a deterrent effect from his age.

PROCEDURAL HISTORY

The United States District Court for the District of Connecticut denied Martinez's § 2241 petition in a judgment entered March 12, 2019. Martinez appealed, and the Second Circuit affirmed the district court's judgment by summary order.

DISPOSITION

affirmed

CASES CITED

- Bialkin v. Baer, 719 F.2d 590, 593 (2d Cir. 1983)
- Iuteri v. Nardoza, 732 F.2d 32, 37 (2d Cir. 1984)
- Lynch v. U.S. Parole Comm'n, 768 F.2d 491, 496 (2d Cir. 1985)