

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States v. Cherry

Cherry · No. 16cr00215 (CKK-ZMF) · Decided March 10, 2026

SUMMARY

The United States District Court for the District of Columbia adopted a magistrate judge’s Report and Recommendation concerning the revocation of James Cherry’s supervised release after a positive cocaine test. The court imposed a sentence of time served with no additional term of supervised release and terminated the referral and case.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Colleen Kollar-Kotelly
JURISDICTION	United States District Court for the District of Columbia
DECIDED	March 10, 2026
DOCKET	16cr00215 (CKK-ZMF)
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation concerning revocation of the defendant's supervised release after a cocaine-positive drug test.
PRECEDENTIAL VALUE	unknown

TOPICS

- sentencing
- probation
- criminal procedure

PRACTICE AREAS

- criminal law
- sentencing
- supervised release

QUESTIONS PRESENTED

- Whether the court should adopt the magistrate judge's recommendation concerning the appropriate sentence for Cherry's supervised-release violation.
- Whether Cherry should receive a sentence of time served with no additional term of supervised release.

HOLDINGS

1. The district court adopted the magistrate judge's Report and Recommendation recommending a sentence of time served with no additional period of supervised release.

KEY QUOTATIONS

“Accordingly, it is this 10th day of March 2026, ORDERED that the [56] Report and Recommendation is hereby ADOPTED.”

“Because Defendant is being sentenced to time served with no additional period of supervision imposed, this case may be closed by the Clerk’s Office, and the referral to Magistrate Judge Faruqui may be deemed terminated.”

FACTUAL BACKGROUND

James Cherry violated the conditions of supervised release by testing positive for cocaine. He continued participating in drug treatment, had relapsed once, and was reported to be making positive progress while seeking continued treatment funding through Medicaid. The Probation Office and Government recommended seven months' incarceration, while Cherry requested time served; the district court confirmed that he remained compliant with treatment and had no reported criminal violations.

PROCEDURAL HISTORY

The matter was referred to Magistrate Judge Zia M. Faruqui for hearings and a Report and Recommendation regarding an alleged supervised-release violation. The magistrate judge recommended a sentence of time served with no further supervised release, and no objections were filed. The district court adopted the Report and Recommendation and terminated the referral.

DISPOSITION

other

OPINION

United States v. Cherry

PER CURIAM.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

V. Case No. 16cr00215 (CKK-ZMF)

JAMES CHERRY,

Defendant.

ORDER

(March 10, 2026) This case was referred to Magistrate Judge Zia M. Faruqui for a hearing on the violation of Defendant James Cherry’s supervised release and a Report and Recommendation. See

ECF No. 49, The Court notes that Mr. Cherry's violation of supervision involved testing positive for use of cocaine. Magistrate Judge Faruqui held multiple hearings involving Mr. Cherry, his counsel, the Government, and the Probation Office. See docket entries for March 26, 2025; April 29, 2025; and August 27, 2025. In his February 18, 2026 Report and Recommendation, Magistrate Judge Faruqui indicates that, at the revocation hearing held on August 27, 2025: The Probation Office reported that Mr. Cherry continued to actively participate in drug treatment and that his treatment counselor noted positive progress. The Probation Office flagged that it could no longer fund Mr. Cherry's drug treatment due to budget constraints. The Probation Office was attempting to have Medicaid step in to fund continued treatment. Since the prior hearing, Mr. Cherry had relapsed once; however, Mr. Cherry was determined to continue with treatment, prioritize his sobriety, and secure new employment. Report and Recommendation, ECF No. 56, at 3. On September 19, 2025, "Mr. Cherry confirmed to the parties and this Court that he was continuing drug treatment via Medicaid." *Jd.* In connection with the revocation hearing, the Probation Office and the Government recommended a sentence of seven months' incarceration with no term of supervised release to follow, while Mr. Cherry requested a sentence of time served with no supervision to follow. In his Report and Recommendation, Magistrate Judge Faruqui recommends a sentence of time served, based on his analysis of the sentencing factors set forth in 18 U.S.C. § 3553(a)(1), (a)(2)(B)-(D), and (a)(4)-(7). See Report and Recommendation, ECF No. 56, at 4-9. This Court notes that there have been no objections filed after the issuance of the Report and Recommendation. Furthermore, the Court has confirmed with the Probation Officer that Mr. Cherry remains compliant with his treatment, and that no criminal violations have been reported. Accordingly, it is this 10th day of March 2026, ORDERED that the [56] Report and Recommendation is hereby ADOPTED. Because Defendant is being sentenced to time served with no additional period of supervision imposed, this case may be closed by the Clerk's Office, and the referral to Magistrate Judge Faruqui may be deemed terminated. CME» lle. KELL
COLLEEN KOLLAR-KOTELLY /
UNITED STATES DISTRICT JUDGE