

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

United States v. Benjamin John Higgeson

Higgeson · No. 24-3109 · Decided February 5, 2026

SUMMARY

The United States Court of Appeals for the Eighth Circuit affirmed an 18-month imprisonment sentence imposed after the third revocation of Benjamin John Higgeson's supervised release. Applying *Esteras v. United States*, the court held that Higgeson failed to show plain error based on alleged consideration of the excluded sentencing factor of promoting respect for the law under 18 U.S.C. § 3553(a)(2)(A). The court also denied the government's motion to dismiss the appeal as moot because pending fourth-revocation proceedings could be affected by the appeal.

CASE DETAILS

COURT	United States Court of Appeals for the Eighth Circuit
WRITING FOR THE COURT	Loken, Circuit Judge; Erickson, Circuit Judge; Kobes, Circuit Judge
JURISDICTION	United States Court of Appeals for the Eighth Circuit
DECIDED	February 5, 2026
DOCKET	24-3109
DISPOSITION	affirmed
PROCEDURAL POSTURE	Higgeson appealed an 18-month revocation sentence imposed after the district court revoked his supervised release for the third time. The government moved to dismiss the appeal as moot because Higgeson had completed the custodial portion of the sentence and begun a fourth term of supervised release; the court denied that motion and reached the merits.
STANDARD OF REVIEW	Substantive reasonableness of a revocation sentence is reviewed for abuse of discretion. Because Higgeson did not object in the district court to reliance on an improper sentencing factor, the alleged error was reviewed for plain error.
PRECEDENTIAL VALUE	Published and precedential opinion of the United States Court of Appeals for the Eighth Circuit.
PARTIES	Benjamin John Higgeson v. United States of America

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QUESTIONS PRESENTED

1. Whether the appeal was moot because Higgerson had completed the custodial portion of the challenged revocation sentence and begun a fourth term of supervised release.
2. Whether the district court plainly erred or imposed a substantively unreasonable revocation sentence by relying on the excluded sentencing factor of promoting respect for the law under 18 U.S.C. § 3553(a)(2)(A).

HOLDINGS

1. The appeal was not moot because the legal issue could affect the pending fourth revocation proceedings.
2. Under *Esteras v. United States*, 145 S. Ct. 2031 (2025), district courts may not consider the sentencing purposes in § 3553(a)(2)(A), including promoting respect for the law, when determining whether to revoke supervised release or the resulting revocation sentence.
3. The district court did not commit plain error because the record did not clearly or obviously show that it relied on § 3553(a)(2)(A), and its comments instead focused on permissible forward-looking purposes and Higgerson's history and characteristics.
4. The 18-month revocation sentence was not substantively unreasonable.

KEY QUOTATIONS

“Text, structure, and precedent all point in the same direction: Congress’s decision to exclude § 3553(a)(2)(A) from § 3583(e)’s list of sentencing factors means that district courts cannot consider § 3553(a)(2)(A) when deciding whether to revoke supervised release.” (at -8-)

“Thus, defense counsel’s assertion on appeal that the court’s comments “appear to be more akin to a desire of the district court to promote respect for the law” is worse than unfounded speculation or inference; it is outright fabrication.” (at -10-)

“The district court’s revocation sentencing decision was reasonably grounded in the history and characteristics of the defendant and the need to deter future violations.” (at -11-)

FACTUAL BACKGROUND

Higgerson was serving a third term of supervised release after two prior revocations and nine-month imprisonment sentences. During the third term, he failed to report to a homeless shelter and to the probation office, both Grade C violations, after his mother would not allow him to live with her. At the revocation hearing, the district court emphasized his repeated failures to work, complete treatment and community service, report as directed, and pay restitution, and imposed 18 months of imprisonment followed by nine years of supervised release.

PROCEDURAL HISTORY

Higgerson pleaded guilty in 2017 and received imprisonment followed by supervised release. The district court revoked his supervised release in 2022 and again in 2023, imposing nine-month imprisonment terms each time. After a third revocation proceeding based on his failure to report to a shelter and probation office, the district court imposed 18 months of imprisonment followed by nine years of supervised release. The Eighth Circuit denied the government's motion to dismiss and affirmed.

DISPOSITION

affirmed

CASES CITED

- United States v. DeMarrias, 895 F.3d 570, 573-74 (8th Cir. 2018)
- Esteras v. United States, 145 S. Ct. 2031 (2025)
- United States v. Jokhoo, 141 F.4th 967, 970 (8th Cir. 2025)
- United States v. Martin, 757 F.3d 776, 780 & n.2 (8th Cir. 2014)
- United States v. Hall, 931 F.3d 694, 697 (8th Cir. 2019)
- United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc)
- United States v. Dailey, 113 F.4th 850, 857 (8th Cir. 2024)
- United States v. Olano, 507 U.S. 725, 734 (1993)
- United States v. Deatherage, 682 F.3d 755, 763 & n.4 (8th Cir. 2012)
- United States v. Harris, 55 F.4th 1162, 1164 (8th Cir. 2022)
- United States v. Clark, 998 F.3d 363, 366-67, 369-70 (8th Cir. 2021)

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