

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LINDA REYNOLDS,

Defendant.

No. CR-12-84-GF-BMM-6

**ORDER  
(REDACTED)**

**INTRODUCTION**

Defendant Linda Reynolds (“Reynolds”) filed a motion for compassionate release on February 8, 2024. (Doc. 294.) Reynolds contends that her rehabilitation, her age, her medical conditions, her unusually long sentence, and the difficulties associated with extended home confinement warrant a reduction of her sentence. (*Id.* at 1–2.) The Government does not oppose Reynolds’s motion but contends that commuting Reynolds’s sentence proves more appropriate than reducing Reynolds’s sentence to a term of time served. (Doc. 296 at 1–2.)

**FACTUAL BACKGROUND**

Reynolds pleaded guilty on November 5, 2012, to Conspiracy to Possess with Intent to Distribute Methamphetamine in violation of 21 U.S.C. § 846 (Doc. 41 at 2; Doc. 59.) The Court calculated Reynolds’s guideline custodial range as 262 to 327 months based on a total offense level of 34 and a criminal history category of VI. (Doc. 149 at 1.) The Court sentenced Reynolds to the custody of

the Bureau of Prisons (“BOP”) for a period of 262 months with 5 years of supervised release to follow. (Doc. 148.) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Reynolds has been incarcerated since October 23, 2012. (Doc. 151 at 1.) Reynolds has served approximately 138 months, or 52.7% of her term of imprisonment. Reynolds was released to home confinement in May of 2022 to serve out the remainder of her term. (Doc. 295 at 3.) Reynolds’s projected release date is June 5, 2030. *See* Inmate Locator, <https://www.bop.gov/inmateloc> (accessed April 12, 2024). Reynolds completed several courses and certificates while incarcerated at BOP facilities, has maintained employment throughout most of her time on home confinement, and has maintained sobriety while on home confinement. (Doc. 295-2; Doc. 295-3; Doc. 295-5; Doc. 295 at 14.)

## DISCUSSION

### I. Availability of Relief Under 18 U.S.C. § 3582

The First Step Act amended the United States Code to “promote rehabilitation of prisoners and unwind decades of mass incarceration.” *United States v. Brown*, 411 F. Supp. 3d 446, 448 (S.D. Iowa 2019) (citing Cong. Research Serv., R45558, *The First Step Act of 2018: An Overview* 1 (2019)). The

Court may modify a term of imprisonment upon motion of a defendant if the Court finds that “extraordinary and compelling reasons warrant such a reduction.” 18 U.S.C. § 3582(c)(1)(A)(i). The Court must consider the factors set forth in 18 U.S.C. § 3553(a) (“§ 3553(a)”), and whether the reduction proves “consistent with applicable policy statements issued by the Sentencing Commission” when the Court is considering the reduction of a defendant’s term of imprisonment. *Brown*, 411 F. Supp. 3d at 448 (citing 18 U.S.C. § 3582(c)(1)(A)).

Congress has not defined the circumstances that rise to the level of “extraordinary and compelling,” except to say that “[r]ehabilitation of the defendant alone” is insufficient. 28 U.S.C. § 994(t); *Brown*, 411 F. Supp. 3d at 448. The law instead directs the United States Sentencing Commission (“USSC”) to issue a policy statement describing “what should be considered extraordinary and compelling reasons for sentence reduction, including the criteria to be applied and a list of specific examples.” 28 U.S.C. § 994(t); *United States v. Aruda*, 993 F.3d 797, 800 (9th Cir. 2021).

Section 1B1.13 of the United States Sentencing Guidelines (“USSG”), titled Reduction in Term of Imprisonment Under 18 U.S.C. § 3582(c)(1)(A) (“Policy Statement”), previously only provided a policy statement for motions filed by the BOP director. Amendments to USSG § 1B1.13 took effect on November 1, 2023. “The amendment revises §1B1.13(a) to reflect that a defendant is now authorized

to file a motion under 18 U.S.C. § 3582(c)(1)(A), making the policy statement applicable to both defendant-filed and BOP-filed motions.” USSC, Amendments to the Sentencing Guidelines, Policy Statements, Official Commentary, and Statutory Index, at 7, [https://www.ussc.gov/sites/default/files/pdf/amendment-process/official-text-amendments/202305\\_Amendments.pdf](https://www.ussc.gov/sites/default/files/pdf/amendment-process/official-text-amendments/202305_Amendments.pdf).

Section 1B1.13(b) outlines several categories of circumstances that constitute extraordinary and compelling reasons for reducing a defendant’s sentence. USSG § 1B1.13(b). These categories include the following: (1) medical circumstances; (2) advanced age of the defendant; (3) family circumstances; (4) the defendant was a victim of abuse while incarcerated; and (5) unusually long sentences. USSG § 1B1.13(b). Section 1B1.13(b)(5) further provides a catchall category where “any other circumstance or combination of circumstances that, when considered by themselves or together with any of the [other described reasons], are similar in gravity to [the other described reasons].” USSG § 1B1.13(b)(5). The USSC established the catchall “other reasons” provision to acknowledge that “what circumstances or combination of circumstances are sufficiently extraordinary and compelling to warrant a reduction in sentence is best provided by reviewing courts, rather than through an effort by the Commission to predict and specify in advance all of the grounds on which relief may be appropriate.” USSC, Amendments to the Sentencing Guidelines, Policy

Statements, Official Commentary, and Statutory Index, at 10.

**A. Exhaustion of Remedies**

Reynolds appropriately exhausted her administrative remedies as required before filing her motion for compassionate release. Reynolds submitted a copy of a letter sent to the warden at FCI Phoenix. (Doc. 295-1.) The letter requests a sentence reduction and appears to have been written on November 6, 2023. (*Id.* at 2.) Reynolds has exhausted her administrative remedies, as more than 30 days have elapsed since that letter was sent. 18 U.S.C. § 3582(c)(1)(A).

**B. Reason for Release**

Reynolds asserts that the Court should find that extraordinary and compelling reasons for reduction of Reynold's sentence exist under the catchall provision set forth by the USSC in § 1B1.13(b)(5). Reynolds cites her age, medical condition, unusually long sentence, rehabilitation, and the difficulties posed by long-term home confinement as factors supporting a finding of extraordinary and compelling reasons. (Doc. 295 at 1–2.) Reynolds is 75 years old. She committed her offense at age 63 and has served over 11 years of her term of incarceration. More than 9.5 of these years were spent incarcerated at a BOP facility while the remainder has been served on home confinement.

Reynolds suffers from a variety of medical conditions that have been difficult to address while on home confinement. Reynolds suffers from ulcerative colitis and thyroid problems. Reynolds notes that being on home confinement has

made obtaining medical care difficult, as all of her medical appointments and expenses must be approved by her BOP counselor. (Doc. 295 at 8.) This arrangement has prevented Reynolds from being able to go to a walk-in clinic to have a lump examined and prevented Reynolds from scheduling a recommended eye surgery. (*Id.*) Reynolds also remains unqualified for Medicare or supplemental insurance due to her incarceration status, resulting in Reynolds having to pay out of pocket for necessary medical devices like eyeglasses and a hearing aid. (*Id.*)

Reynolds argues that in addition to her age and medical condition, her unusually long sentence warrants compassionate release. Reynolds received a sentence longer than any of her co-conspirators. Reynolds initially received a sentence 22 months longer than Louis Kanyid, who law enforcement determined was the individual who supplied Reynolds with methamphetamine for distribution. The Court reduced Kanyid's sentence to 116 months, leaving Reynolds's sentence over double that of Kanyid's ultimate sentence. Reynolds cites a variety of cases in which defendants have had similar offense levels and/or criminal history categories and received sentences closer to 120-150 months. (Doc. 295 at 17–22.) The Judiciary Sentencing Information platform reports that for defendants sentenced in the last five years with the same primary guideline, offense level, and criminal history category, courts imposed an average term of imprisonment of 188 months. *See* USSC, Judiciary Sentencing Information (JSIN), <https://jsin.ussc.gov/>

[analytics/saw.dll?Dashboard](#) (last accessed April 15, 2024). Courts imposed a median imprisonment length of 180 months—nearly seven years shorter than Reynolds’s term. *Id.* The Court further notes that the Government recommended a sentence for Reynolds between 188 months and 235 months. (Doc. 129 at 3.) Reynolds’s term of imprisonment appears to be unusually long compared to her co-defendants, similarly situated defendants, and the sentence recommended by the Government.

Reynolds finally argues that the difficulties imposed by home confinement warrant a reduction in Reynolds’s sentence. The terms and conditions of home confinement have prevented Reynolds from receiving needed medical care and have increased Reynolds’s out-of-pocket medical expenses. (Doc. 295 at 8.) Reynolds’s incarcerated status also has prevented Reynolds from obtaining low-income housing. (*Id.* at 9.) Her inability to obtain low-income housing in town has resulted in Reynolds living further from town. Living further from town has increased Reynolds’s transportation costs and makes it more difficult for Reynolds to go to her work training program, meet her counselor twice a week, and make her four monthly UAs. (*Id.*) Reynolds’s status on home confinement also has prevented Reynolds from obtaining a checking account, from engaging in work that would produce supplemental income, and from being able to fully interact with her family members and support system.

The Court finds that extraordinary and compelling reasons exist to warrant a reduction of Reynolds's sentence. 18 U.S.C. § 3582(c)(1)(A)(i). Reynolds's age, medical conditions, home confinement status, and long sentence would not rise to the level of extraordinary and compelling when viewed individually. These factors appear, however, to rise to that level when viewed together. Reynolds's advanced age increases her need for consistent, adequate medical care. Reynolds's status on home confinement makes it more difficult to schedule medical appointments and impossible to obtain Medicare or supplemental insurance. Reynolds's advanced age also makes commuting more difficult. Reynolds's status on home confinement prevents, however, Reynolds from obtaining housing closer to her work, UAs, and counselor. The Court finds that these factors interact with each other to create extraordinary and compelling reasons to reduce Reynolds's sentence.

**B. Section 3553(a) Factors**

The Court still must consider whether reducing Reynolds's sentence as requested would comport with the § 3553(a) factors. Section 3553(a) of Title 18 of the United States Code provides:

The court, in determining the particular sentence to be imposed, shall consider—

- (1) the nature and circumstances of the offense and the history and characteristics of the defendant;
- (2) the need for the sentence imposed—
  - (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
  - (B) to afford adequate deterrence to criminal conduct;

- (C) to protect the public from further crimes of the defendant;  
and
- (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

18 U.S.C. § 3553(a). The Court also must consider the kinds of sentences available, the need to provide restitution to any victims, the recommended guideline sentence, any pertinent policy statement, and the need to avoid unwarranted sentence disparities. (*Id.*)

Reynolds committed a non-violent drug offense. Reynolds possessed approximately 45 grams of actual methamphetamine at the time of her arrest. Reynolds also qualified for the career offender enhancement at the time of her sentencing due to prior drug convictions. Reynolds's offense proves serious. The Court recognizes, however, that Reynolds's involvement in her offense was largely fueled by her substance use disorder. [REDACTED]

[REDACTED] A sentence of 140 months adequately reflects the seriousness of Reynolds's offense. A sentence of 140 months also would avoid unwarranted sentence disparities as outlined above.

Reynolds has a long history of criminal activity. Her prior convictions placed her in criminal history category VI, the highest category. Most of Reynolds' prior convictions related to the distribution of drugs. (Doc. 151, ¶¶ 51–55.) This

characteristic weighs against a reduction while Reynolds's age, medical conditions, and ability to maintain sobriety on home confinement weigh in favor of a reduction.

Adequate deterrence also appears to have been achieved, and further incarceration does not appear necessary to protect the public from future criminal behavior by Reynolds. Reynolds reportedly received only one disciplinary infraction throughout her entire ten-year term in prison. (Doc. 295 at 14.) Reynolds has passed every urinalysis test since beginning her term of home confinement two years ago. The Government has not raised any concerns with Reynolds's behavior while on home confinement. An associate pastor with whom Reynolds works opined that "the rehabilitation that the corrections system aims for, [sic] has taken place for [Reynolds]." (Doc. 295-6 at 1.)

Reynolds's educational and vocational training needs also appear to have been satisfied. Reynolds participated in many programs and courses throughout her period of physical incarceration. These programs include a non-residential drug treatment program, psychoeducation, and dialectical behavior therapy. (Doc. 295-2 at 3; Doc. 295-3 at 27, 29, 33, 40–41, 43.) Reynolds has maintained consistent employment for nearly two years. (Doc. 295-5.) Reynolds's employer describes her as "attentive" and "friendly to all." (Doc. 295-6 at 2.) Reynolds's employer further describes that Reynolds "carries through on each task," "follows the rules

set by her release,” and “is forward looking, practical, and conscious of her obligations as a citizen.” (*Id.*) The Court finds that reducing Reynold’s sentence to 140 months would comport with the § 3553(a) factors.

### CONCLUSION

Reynolds has demonstrated that extraordinary and compelling reasons exist for reducing her sentence. Reynolds further has shown that a reduction of her sentence would be consistent with the § 3553(a) factors. The Court will grant Reynolds’s motion for compassionate release and reduce Reynolds’s term of imprisonment to 140 months.

### ORDER

Accordingly, **IT IS ORDERED** that Reynolds’s motion for compassionate release (Doc. 294) is **GRANTED**. The Court hereby reduces Reynolds’s term of incarceration to 140 months.

DATED this 15th day of April, 2024.



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Brian Morris, Chief District Judge  
United States District Court