

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 24-2681

UNITED STATES OF AMERICA

v.

JUAN JARMON, also known as J, also known as Yizzo,
Appellant

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Criminal Action No. 2:17-cr-00072-001)
District Judge: Honorable Paul S. Diamond

Submitted on Appellee's Motion for Summary Action
Pursuant to Third Circuit L.A.R. 27.4 and I.O.P. 10.6
on December 19, 2024

Before: BIBAS, PORTER, and MONTGOMERY-REEVES, Circuit Judges

(Opinion filed: January 7, 2025)

OPINION*

PER CURIAM

In 2019, the District Court sentenced Juan Jarmon to 360 months in prison after a jury found him guilty of a host of drug-related offenses. That sentence was at the bottom of his advisory Sentencing Guidelines range—a range that was based on a total offense level of 40 and a criminal-history category of VI.

In August 2024, Jarmon submitted a pro se letter to the District Court, asking that the letter be construed “as a motion if I’m eligible for relief [under Guidelines Amendment 821],” and seeking appointment of counsel if he was indeed eligible. Dist. Ct. Dkt. No. 710. Later that month, the District Court denied this letter-motion. The District Court explained that Jarmon was not eligible for a sentence reduction under 18 U.S.C. § 3582(c)(2) because Amendment 821 had no effect on his sentence, and that counsel appointment was not warranted. Jarmon then filed this appeal,¹ and the Government has since timely moved to summarily affirm.

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

¹ We have jurisdiction over this appeal pursuant to 28 U.S.C. § 1291. We review de novo the District Court’s determination that Jarmon was not eligible for a sentence reduction. *See United States v. Rivera-Cruz*, 904 F.3d 324, 327 (3d Cir. 2018). And we review the District Court’s denial of his request for counsel for abuse of discretion. *See, e.g., United States v. Meeks*, 971 F.3d 830, 833–34 (8th Cir. 2020); *United States v. Webb*, 565 F.3d 789, 795 n.4 (11th Cir. 2009) (per curiam); *cf. Tabron v. Grace*, 6 F.3d 147, 155 n.4 (3d Cir. 1993) (noting that a district court has “broad discretion” to appoint counsel for an indigent litigant under 28 U.S.C. § 1915).

The Government’s motion is granted. Amendment 821, which took effect on November 1, 2023, *United States v. Stimpson*, 113 F.4th 350, 354 n.5 (3d Cir. 2024), “applies retroactively and alters how so-called ‘status points’ are used to calculate a defendant’s criminal history category,” *United States v. Bonds*, 121 F.4th 1129, 1130 (7th Cir. 2024) (per curiam). But as the District Court explained, Jarmon’s criminal-history category of VI was based not on status points, but rather on his designation as a career offender under the Guidelines. Accordingly, Jarmon is not eligible for a sentence reduction, and appointment of counsel in the District Court was not warranted. Because this appeal does not present a substantial question, we will summarily affirm the District Court’s judgment. *See* 3d Cir. I.O.P. 10.6.²

² Jarmon’s motion for appointment of counsel on appeal is denied, as is his “Motion for Partial Summary Judgement [sic].”