UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Nos. 25-2590 & 25-2591

UNITED STATES OF AMERICA

v.

DEVIN MONTGOMERY,
Appellant

On Appeal from the U.S. District Court, W.D. Pa.
Chief Judge Mark R. Hornak, No. 2:20-cr-00175-001 & 2:23-cr-00056-001

Before: PORTER, MATEY, and AMBRO, *Circuit Judges*
Submitted Under Third Circuit L.A.R. 34.1(a) on June 2, 2026
Decided Nov. 27, 2026

NONPRECEDENTIAL OPINION[*]

MATEY, *Circuit Judge*. In May 2020, Devin Montgomery joined a protest in Pittsburgh, set fire to a police car, and then attempted to rob a bank. His actions resulted in one conviction under 18 U.S.C. § 371 and another under 18 U.S.C. §§ 2 and 2113(a), and he was sentenced to 48 months in prison followed by three years of supervised release. Freed after serving only a fraction of his sentence, he quickly violated the conditions of his supervised release, resulting in another four months in prison plus 30 months of additional supervised release. After finishing his second prison stay, he reported directly to an inpatient mental health and substance abuse treatment program. But within two months, he had been unsuccessfully discharged from three facilities and then refused to report to his

[*] This disposition is not an opinion of the full Court and, under I.O.P. 5.7, is not binding precedent.

probation office as directed. So the District Court found that Montgomery had again violated the terms of supervised release and sentenced him to prison for eight months, followed by 21 months of supervised release. He now challenges his most recent sentence.[1]

Montgomery does not dispute any of these facts but argues that he had no obligation to follow the orders of his probation officer. He is incorrect. The conditions of his supervised release state: 1) "You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment . . ."; and 2) "After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed." Supp. App. 56, 62. Montgomery reads the directive to report in condition 2 as dependent on the initial reporting requirement in condition 1, and, he argues, since he did not initially report (as he had been directed to a treatment facility), he was free to ignore the officer's repeated instructions. That would be a rather absurd result, one that would allow all defendants to ignore the obligations of their sentences.

The text of the release conditions does not demand that reading. The opening phrase ("After initially reporting . . . ") modifies only the immediately succeeding clause (". . . you will receive . . ."), leaving the final independent clause (". . . you must report . . .") as a standalone reinforcement of the releasee's obligation to report.[2] Read

[1] We have jurisdiction under 28 U.S.C. § 1291, and we review the legal issues presented *de novo*. *United States v. Barksdale*, 98 F.4th 86, 88 (3d Cir. 2024).

[2] "When syntax involves something other than a parallel series of nouns or verbs, a prepositive or postpositive modifier normally applies only to the nearest reasonable

naturally, and "as a whole," *see Star Athletica, L.L.C. v. Varsity Brands, Inc.*, 580 U.S. 405, 415 (2017), the first two standard conditions are clear that no supervised releasee can escape the obligation to report.[3]

* * *

For these reasons, we will AFFIRM the District Court's judgments.

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referent." Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 153 (2012); *see also United States v. Safehouse*, 985 F.3d 225, 236 (3d Cir. 2021).

[3] Even if this reading were error, the District Court had other bases for revoking release: failure to "follow the instructions of the probation officer related to the conditions of supervision"; and failure to "be enrolled in an in-patient mental health and substance abuse treatment program." App. Vol. I 4 (capitalization removed). Montgomery did not challenge either of these bases, and each was independently sufficient to warrant the same punishment. Because they remain valid, revocation was proper.