

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-3597

UNITED STATES OF AMERICA

v.

CHARLES J. SECHLER,
Appellant

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Criminal No. 3:03-cr-00032-008)
District Judge: Honorable Keli M. Neary

Submitted By the Clerk for Possible Dismissal as Untimely
and on Appellee's Motion for Summary Affirmance
Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6
August 27, 2026
Before: KRAUSE, MATEY, and BOVE, *Circuit Judges*

(Opinion filed: September 15, 2026)

OPINION*

PER CURIAM

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

Charles Sechler appeals *pro se* from the District Court's order denying his motions for sentencing relief under 18 U.S.C. § 3582(c). We will summarily affirm.

The United States District Court for the Middle District of Pennsylvania imposed a leadership-role enhancement and sentenced Sechler to life imprisonment in 2010 after a federal jury found him and a co-defendant guilty of drug-related offenses. We affirmed. *See United States v. Sechler*, 535 F. App'x 150, 154-55 (3d Cir. 2013), *cert. denied*, 571 U.S. 1221 (2014). After he pursued post-conviction relief and compassionate release without success, Sechler's life sentence was commuted to 350 months' imprisonment in January 2025. He then filed two motions for sentence reduction under Section 3582(c), citing Sentencing Guidelines Amendments 782 and 821, respectively. The District Court denied both motions. Sechler appeals,¹ requests that counsel be appointed, and seeks a stay pending the Supreme Court's decision in *Rutherford v. United States*, 608 U.S. ___, 146 S. Ct. 1320 (2026). The government moves for summary affirmance.

We have jurisdiction pursuant to 28 U.S.C. § 1291, and we generally review a District Court's denial of relief under Section 3582(c) for abuse of discretion. *See United States v. Thompson*, 825 F.3d 198, 203 (3d Cir. 2016). We may summarily affirm the

¹ The Clerk's Office flagged Sechler's appeal for possible dismissal because his notice of appeal was docketed more than 14 days after the District Court denied his motions for sentencing relief. The government does not invoke Federal Rule of Appellate Procedure 4(b), however, and acknowledges that the notice would be considered timely if measured against the date on Sechler's handwritten notice because he is incarcerated. *See* Fed. R. App. P. 4(c); *Houston v. Lack*, 487 U.S. 266, 276 (1988). We therefore decline to dismiss the appeal.

District Court’s decision if the appeal fails to present a substantial question. *See* 3d Cir. L.A.R. 27.4; 3d Cir. I.O.P. 10.6.

Sechler’s appeal does not present a substantial question. The District Court correctly explained that he was not entitled to relief under either of the Sentencing Guidelines amendments he cited. Although Amendment 782 lowered the base offense level for Sechler’s crimes from 38 to 36, his revised total offense level of 44—which includes sentencing enhancements of eight levels—still exceeds the maximum total of 43, so the amendment would not have affected his guidelines sentence of life. *See* 18 U.S.C. § 3582(c)(2) (authorizing a sentence reduction when the original “sentencing range . . . has subsequently been lowered by the Sentencing Commission”). Amendment 821 does not apply to offenders like Sechler who received “an aggravating role adjustment.” *See United States v. Milchin*, 128 F.4th 199, 201 (3d Cir. 2025). To the extent Sechler believes other Guidelines amendments that took effect in 2025 might entitle him to relief, we note that the Sentencing Commission has not declared that any of them applies retroactively to defendants who were sentenced before their effective date. Lastly, the District Court did not abuse its discretion in concluding that Sechler was not due any relief under Section 3582(c)(1)(A)(i) or (ii) because he is under 70 years old, has served less than 30 years of his sentence, and failed to demonstrate “extraordinary and compelling” reasons for relief. As the *Rutherford* Court recently clarified, “the fact that a preamendment sentence is longer than it would have been postamendment is not an

‘extraordinary and compelling reaso[n]’ that ‘warrant[s]’ a sentence reduction.” 146 S. Ct. at 1330 (quoting 18 U.S.C. § 3582(c)(1)(A)(i)).

Accordingly, we grant the government’s motion and will summarily affirm the judgment of the District Court. Sechler’s motion for a stay and for appointment of counsel is denied as moot.