

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 20-84-MN-2
	)	
DENISE BROWN,	)	
	)	
Defendant.	)	

MEMORANDUM ORDER

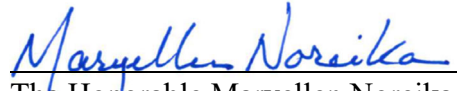
At Wilmington, this 29th day of January 2026;

On September 30, 2021, Defendant Denise Brown pleaded guilty to conspiracy to distribute one kilogram or more of a mixture and substance containing a detectable amount of heroin and four hundred grams or more of a mixture and substance containing a detectable amount of fentanyl, in violation of 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(A); and presenting a false claim to the Small Business Administration, in violation of 18 U.S.C. §§ 287. (D.I. 167). On January 26, 2023, Defendant was sentenced to a total term of 144 months of imprisonment. (*See* D.I. 496). On October 11, 2024, Defendant filed a Motion to Reduce Sentence Under 18 U.S.C. § 3582(c)(2) “and Amendment 821 of the United States Sentencing Guidelines.” (D.I. 564).

A defendant seeking a sentence reduction pursuant to § 3582(c) must establish (i) her eligibility for a sentence reduction pursuant to the Sentencing Commission’s Policy Statement, U.S.S.G. § 1B1.10, and (ii) that the § 3553(a) factors support her requested reduction. *Dillon v. United States*, 560 U.S. 817, 827 (2010). Here, Defendant cannot establish her eligibility for a sentence reduction. At sentencing, Defendant received an aggravating role adjustment under U.S.S.G. § 3B1.1. (D.I. 564 at 7). Section 1B1.10 Application Note 9 states that “[c]onsistent with subsection (a) of § 1B1.11 ... the court shall use the version of this policy statement that is in effect

on the date on which the court reduces the defendant's term of imprisonment." U.S.S.G. § 1B1.10 app. n.9; *see also United States v. Rodriguez*, 855 F.3d 526, 528 n.1 (3d Cir. 2017). In this case, that is the 2025 Guidelines Manual. Section 4C1.1(a)(10) of that version excludes from eligibility for a sentence reduction defendants, like Defendant here, who received an adjustment under § 3B1.1. U.S.S.G. § 4C1.1(a)(10).¹

THEREFORE, IT IS HEREBY ORDERED that Defendant's motion (D.I. 564) is DENIED.


The Honorable Maryellen Noreika
United States District Judge

¹ The 2024 Guidelines Manual says the same in § 4C1.1(a)(9). And even were the 2023 Guidelines Manual to apply, Defendant would be ineligible for a sentence reduction. In *United States v. Milchin*, 128 F.4th 199 (3d Cir. 2025), the Third Circuit rejected the argument Defendant has raised. In that case, the Third Circuit addressed the previous exclusion at § 4C1.1(a)(10)(2023), which provided that a defendant seeking relief had to demonstrate she “did not receive an adjustment under § 3B1.1 (Aggravating Role) and was not engaged in a continuing criminal enterprise[.]” *Milchin*, 128 F.4th at 201 (quoting § 4C1.1(a)(10)(2023)). Thus, the 2023 version, like the 2024 and the current version, “makes ineligible any defendant that either received an aggravating role adjustment or was engaged in a continuing criminal enterprise.” *Id.* at 201 (emphasis in original).