

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

CASE NO: 8:19-cr-12-CEH-CPT

NOEL RODRIGUEZ

ORDER

This cause comes before the Court on Defendant Noel Rodriguez’s pro se letter to the Court, which the Court construes as a motion for reconsideration of his sentence. Doc. 186. Defendant attaches the Eleventh Circuit’s decision in *United States v. Eason*, 953 F.3d 1184 (11th Cir. 2020), which he states held that “the Hobbs Act is no longer a crime of violence” and may require the Court to reconsider his sentence. *Id.* at 1. Defendant asks the Court to appoint a federal public defender if a separate motion for resentencing is needed. *Id.*

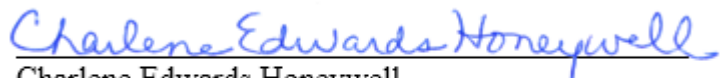
The Government responds in opposition. Doc. 187. While acknowledging that *Eason* held that Hobbs Act robbery, 18 U.S.C. § 1951(a), does not qualify as a crime of violence under the sentencing guidelines, USSG §4B1.2(a), and thus cannot serve as a predicate for the career offender sentencing enhancement, the Government asserts that Defendant’s argument is meritless even if his motion were procedurally proper and he was able to overcome any retroactivity issues. *Id.* at 1.

Specifically, it argues that Defendant pleaded guilty to one count of Hobbs Act robbery and one count of brandishing a firearm during a crime of violence. Doc. 71.

The Court subsequently sentenced him to 27 months of imprisonment on Count One and 84 months of imprisonment on Count Three, to run consecutive to the time imposed on Count One. Doc. 132. However, because the career offender sentencing enhancement was not applied to either count, the Government argues that *Eason* does not apply. Doc. 132, Doc. 133, Doc. 187 at 1–2.

Upon review of the record and sentencing documents, the Government’s response is accurate. The career offender enhancement was not applied to Defendant at sentencing, and his argument is therefore meritless. Defendant’s request for reconsideration of his sentence (or appointment of counsel) (Doc. 186) is **DENIED**.

DONE and ORDERED in Tampa, Florida on September 26, 2024.


Charlene Edwards Honeywell
United States District Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties