

United States Court of Appeals
for the Fifth Circuit

No. 25-50963

United States Court of Appeals
Fifth Circuit

FILED

October 22, 2026

Thomas B. Plunkett, III
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOSE ESTRADA,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:24-CR-381-1

Before JONES, SOUTHWICK, and DUNCAN, *Circuit Judges*.

PER CURIAM:

Jose Estrada, proceeding *pro se*, appeals the denial of his motion to terminate his term of supervised release. He raises a jurisdictional issue based on the fact that the court in Pennsylvania that sentenced him transferred his supervision to a court in Texas, doing so while his appeal on a different matter was pending in the Third Circuit Court of Appeals. He argues the Texas court never received jurisdiction. He also asserts the Texas district court erred in denying the motion to terminate.

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We conclude that an appeal on an issue that will not be affected by a transfer leaves the district court with authority to transfer jurisdiction over someone on supervised release. We also conclude that the district court acted within its discretion in declining to end supervision. **AFFIRMED.**

FACTUAL AND PROCEDURAL BACKGROUND

In 2013, Estrada pled guilty in the United States District Court for the Eastern District of Pennsylvania, to conspiring to distribute, and attempting to distribute, more than one kilogram of heroin. *See* 21 U.S.C. § 846. He was sentenced to 240 months of imprisonment and five years of supervised release. That sentence was later reduced to 188 months under 18 U.S.C. § 3582(c)(2). In 2024, the sentencing court granted compassionate release under Section 3582(c)(1)(A), reducing the term of imprisonment to time served. The compassionate-release order left the five-year term of supervised release in place and directed that its first six months be served on home detention. *Id.*

On August 7, 2024, Estrada was released on supervision. The same day, he filed a notice of appeal from the compassionate-release order, challenging the home-detention condition. After being released, Estrada intended to live in the Western District of Texas. Consequently, five days after his release, the Pennsylvania district court transferred jurisdiction over his supervision to that Texas district. *See* 18 U.S.C. § 3605. The Western District of Texas accepted the transfer the next day. In December 2024, the Third Circuit affirmed the compassionate-release order. *Estrada*, 2024 WL 5088107, at *1–3.

In August 2025, Estrada filed a motion in the Eastern District of Pennsylvania to terminate his supervised release under 18 U.S.C. § 3583(e)(1). That court denied the motion as moot because supervision had

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been transferred, and it directed Estrada to seek relief in the Western District of Texas.

Accordingly, on September 8, 2025, Estrada filed a motion to terminate his supervised release in the Western District of Texas. He argued that the Section 3605 transfer order was void *ab initio* because his notice of appeal had divested the Pennsylvania district court of jurisdiction to enter it. On the merits, he argued that his age, chronic and deteriorating health, completion of rehabilitative programming, and clean disciplinary record made continued supervision unwarranted under the factors set out in 18 U.S.C. § 3553(a), and that his medical conditions made reporting disproportionately burdensome.

The Texas court denied his motion on October 8, 2025. Estrada moved for reconsideration. After briefing, the district court denied reconsideration in a written order. Undeterred, Estrada moved to alter or amend the judgment, renewing his jurisdictional objection and arguing that the court had relied on improper retributive considerations. The district court denied that motion in a third written order. Estrada timely appealed.

DISCUSSION

A. Authority of Pennsylvania District Court to Transfer Supervision

An order denying a motion to terminate supervised release under Section 3583(e)(1) is a final order of the court. *See United States v. Jeanes*, 150 F.3d 483, 484 (5th Cir. 1998). If the Eastern District of Pennsylvania lacked authority to order that transfer, the Western District of Texas lacked jurisdiction to entertain Estrada's motion. *See In re Scruggs*, 392 F.3d 124, 129 (5th Cir. 2004). That lack of jurisdiction would not, however, divest this court of jurisdiction over the appeal from a final order issued by the Texas court. The circuit courts of appeals have a statutory grant of jurisdiction over "appeals from all final decisions of the district courts of the United States."

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28 U.S.C. § 1291. Among our obligations is to review *de novo* any issue of the jurisdiction of the district court that issued the final order. *See United States v. Fernandez*, 379 F.3d 270, 273 (5th Cir. 2004).

Estrada argues that his notice of appeal from the compassionate-release order divested the Eastern District of Pennsylvania of jurisdiction over the “matters” involved in that appeal, and any order entered in defiance of that divestiture is void. Second, he argues that the issues raised in the appeal to the Third Circuit were sufficiently related to his supervision as to prevent the transfer. We will consider those arguments after examining the relevant statute.

1. Statutory Authority to Transfer Supervision

By its terms, Section 3605 applies to “a probationer or person on supervised release.” 18 U.S.C. § 3605. It permits transfer only: (1) “after imposing a sentence,” (2) to a district “to which the person is required [or permitted] to proceed as a condition of his probation or release,” and (3) “with the concurrence of such court.” *Id.* The transferee court “is authorized to exercise all powers over the probationer or releasee that are permitted by” the supervision provisions of Title 18. *Id.*

These preconditions were satisfied. Estrada was sentenced by the Pennsylvania court in 2013; he had been released to supervision five days before the transfer order was entered; he was permitted to reside in the Western District of Texas; and the Western District of Texas concurred in the transfer.

2. Divesting of jurisdiction to transfer pending an appeal

Before the transfer was ordered by the Pennsylvania district court, Estrada filed a notice of appeal to the Court of Appeals for the Third Circuit. The filing of a notice of appeal “confers jurisdiction on the court of appeals and divests the district court of its control *over those aspects of the case involved*

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in the appeal.” Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58 (1982) (emphasis added). The rule therefore does not strip the district court of authority over all matters in the case; it strips authority over the matters the appellate court has been asked to decide. What those matters are of course depends on the nature of the appeal. The rule is meant to avoid the confusion and inefficiency of two courts addressing the same question at the same time. *See id.* at 58–59.

Estrada’s argument in the Third Circuit was that he could not be required to serve his five-year term of supervised release with an initial period of home detention. *See Estrada*, 2024 WL 5088107, at *2 & n.4. The district court’s transfer order to the Western District of Texas did not affect that requirement. It did not lengthen or shorten the term, add or remove a condition, or alter the home-detention requirement. It designated which district court, and which probation office, would administer a term of supervision whose content the transfer left exactly as the Pennsylvania court had set it.

We interpret the caselaw we cited to mean that unless and until the Third Circuit agreed with his arguments, Estrada’s supervision in Texas would be subject to the home detention term imposed by the Pennsylvania district court. Should the Third Circuit agree with Estrada’s argument, the changed term would then apply in Texas. While the appeal was pending, the Texas district court had no jurisdiction to address home detention. Ultimately, as already mentioned, the Third Circuit rejected the argument and left home-detention in place. *Estrada*, 2024 WL 5088107, at *2.

A recent decision of this court supports this interpretation. *See United States v. Boswell*, 109 F.4th 368 (5th Cir. 2024). There, the defendant noticed an appeal from his judgment of conviction and sentence. Seven weeks later the district court, which had reserved the question, imposed over \$646,000

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in restitution as a condition of supervised release. *Id.* at 377. The defendant argued that his notice of appeal had stripped the district court of jurisdiction to revisit the terms of supervised release. We reviewed other circuit court decisions in which the courts “generally recognized that a notice of appeal does not deprive the district court of jurisdiction to modify the terms of supervision,” and we “agree[d] with our sister circuits,” relying in part on “the district court’s jurisdiction to modify conditions of supervised release during the pendency of an appeal.” *Id.* at 385–87 (citing *United States v. D’Amario*, 412 F.3d 253, 255 (1st Cir. 2005); *United States v. Ramer*, 787 F.3d 837, 838–39 (7th Cir. 2015); *United States v. Caton*, No. 21-30168, 2022 WL 17547826, at *1 (9th Cir. Dec. 9, 2022)).

Estrada argues that a Section 3605 transfer is categorically different from the modification of conditions at issue in *Boswell* and *D’Amario*. A modification, he says, is a “routine” exercise of the sentencing court’s ongoing supervisory powers under Section 3583(e), whereas a transfer is a “one-time structural shift of supervisory power” by which the sentencing court “divest[s] itself of jurisdiction in favor of another district.” We agree that a transfer differs from a modification. That difference, though, cuts against Estrada. A modification under Section 3583(e)(2) changes what the releasee must do; it can add obligations, as the restitution order in *Boswell* did, or restrict liberty. A transfer under Section 3605 changes only which court and which probation office administer obligations that remain the same.

Estrada also argues that *D’Amario* rested on the need to avoid a “supervision vacuum” during an appeal, and that no such vacuum was threatened here. Whether a transfer was necessary, however, is not the question. Section 3605 commits the choice between formal transfer and other arrangements to the sentencing court’s discretion, subject to the transferee court’s concurrence, and this court has recognized that the

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sentencing court may exercise that discretion on its own motion. *Fernandez*, 379 F.3d at 273.

We also reject Estrada’s final argument, that upholding the transfer would produce results Congress could not have intended. To the contrary, supervision is carried out by the probation office in the district where the releasee lives. *See* 18 U.S.C. § 3603. If a notice of appeal froze the sentencing court’s power to transfer, presumably it would have either frozen Estrada in place in Pennsylvania so he could be supervised there, or left him with no supervision in Texas until the Third Circuit appeal concluded. Neither can be Congress’s purpose in the transfer statute.

In conclusion, the pendency of an appeal from an order imposing or continuing supervised release does not divest the sentencing court of its authority under Section 3605 to transfer jurisdiction over the releasee to the district in which he is permitted to reside. The Western District of Texas had jurisdiction to decide Estrada’s motion.¹

B. The district court denial of early termination

Estrada’s arguments that the court erred in denying his motion to terminate supervised release are reviewed for abuse of discretion. *Jeanes*, 150 F.3d at 484–85. The arguments about error in the denial of a motion for reconsideration are also reviewed for abuse of discretion. *United States v. Jarman*, 847 F.3d 259, 264 (5th Cir. 2017). A district court abuses its discretion if it bases its decision on “an error of law or a clearly erroneous

¹ The Government argues in the alternative that the Third Circuit’s affirmance, which came before Estrada filed his motion in Texas, rendered his jurisdictional objection moot. Estrada responds that a later affirmance cannot cure an order that was void when entered. Because we hold that the transfer order was valid when entered, we need not resolve that dispute, and we do not adopt the district court’s mootness reasoning.

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assessment of the evidence.” *United States v. Caillier*, 80 F.4th 564, 569 (5th Cir. 2023).

Section 3583(e)(1) permits a district court, after considering the factors set forth in § 3553(a)(1), (a)(2)(B)–(D), and (a)(4)–(7), to “terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release . . . if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.” 18 U.S.C. § 3583(e)(1). It sets a floor of one year, which Estrada had served when he filed his motion, and it directs the court to weigh the enumerated factors. It does not require termination whenever a releasee has complied with his conditions. “In sum, the statute confers broad discretion.” *Jeanes*, 150 F.3d at 484. Compliance and rehabilitation are what supervision is designed to produce, and a district court does not abuse its discretion by declining to treat them as sufficient reason to end supervision early. *See id.* at 484–85.

1. The district court’s possible reliance on impermissible factors

Estrada argues the district court relied on improper reasons to deny his motion. Section 3583(e) directs a court to consider certain of the Section 3553(a) factors but omits Section 3553(a)(2)(A), which concerns “the seriousness of the offense,” “respect for the law,” and “just punishment.” Estrada relies on a Supreme Court decision that held that a court deciding whether to revoke supervised release under Section 3583(e)(3) “cannot consider § 3553(a)(2)(A).” *Esteras v. United States*, 606 U.S. 185, 195 (2025). Estrada argues that the same limitation governs early termination under Section 3583(e)(1), which incorporates the identical list of factors, and that the district court violated it by resting its decision on the seriousness of his original offense and his criminal history.

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Here, the district court stated expressly that it grounded the denial in the need to “afford adequate deterrence and protect the public.” Those are proper considerations under Section 3553(a)(2)(B) and (C), which Section 3583(e) expressly incorporates.

Estrada alleges the district court also improperly considered his original offense conduct and criminal history, which he says qualifies as “retribution” “through the back door.” That is not so, as Section 3583(e) also incorporates Section 3553(a)(1), “the nature and circumstances of the offense and the history and characteristics of the defendant.” *Esteras* explains how the two fit together. “A court may consider the nature and circumstances of the offense as relevant for the considerations set forth in §§ 3553(a)(2)(B), (C), and (D) — namely, deterrence, incapacitation, and rehabilitation.” 606 U.S. at 200. What it may not do is consider those facts “as relevant to § 3553(a)(2)(A)’s retributive focus.” *Id.* The Court offered an example: “if the defendant’s original offense was particularly violent, that fact might inform the court’s judgment as to whether revocation is necessary ‘to protect the public from further crimes.’” *Id.*

The district court, accordingly, reasoned that a man who organized a multi-kilogram heroin importation, while armed, at age 65 and with the same disabilities he now cites — and whose record includes a homicide and a string of prior sentences that did not deter him — presents a risk that supervision continues to address, and that his age and health cannot be assumed to have eliminated that risk when they did not prevent the offense of conviction. That is a judgment about deterrence and public protection, made on the basis of factors Section 3583(e) directs the court to consider. It is not legal error.

Estrada also argues that the Pennsylvania district court, when granting compassionate release, found that he posed no danger to the community. He argues the Texas district court improperly relitigated that finding. He

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mischaracterizes the Pennsylvania’s court’s finding, which was only that continued imprisonment was no longer warranted. Nothing in that order required the Western District of Texas to terminate supervision a year later.

2. Estrada’s procedural objections

Estrada next argues that the district court’s initial order gave no reasons and did not address his jurisdictional objection. On reconsideration, though, the court set out its reasoning in writing, addressed jurisdiction, and explained its view of the merits.

Estrada also objects that the initial order referred to “recommendations” from the Probation Office and the Government that were never filed, served, or described, and he contends that reliance on them denied him due process and an adversarial process. Of course, consultation with the probation officer and the Government is a routine feature of early-termination practice, and the Guidelines contemplate it. *See* U.S.S.G. § 5D1.4. More to the point, the reasoned orders we review do not rest on any undisclosed recommendation. They rest on facts of record concerning Estrada’s offense conduct and criminal history and on the Government’s written response, to which Estrada replied. The referenced but undisclosed recommendations did not invalidate the district court’s decision.

3. District court’s weighing of the factors

Estrada’s remaining arguments are that the district court gave insufficient weight to his age, disability, and compliance, failed to conduct the “individualized assessment” contemplated by U.S.S.G. § 5D1.4, and relied on speculation about present risk without current medical evidence or a probation risk assessment. These arguments go to the weight the court assigned the competing considerations, and the record does not support the conclusion that the court ignored the mitigating factors.

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Further, a district court “need not engage in robotic incantations that each statutory factor has been considered.” *United States v. Smith*, 440 F.3d 704, 707 (5th Cir. 2006) (internal quotation marks and citation omitted). We conclude the district court sufficiently explained its decision.

The weight to be assigned to competing Section 3553(a) factors is committed to the district court, and “[t]he fact that the appellate court might reasonably have concluded that a different sentence was appropriate is insufficient to justify reversal of the district court.” *Gall v. United States*, 552 U.S. 38, 51 (2007). The district court’s holding was reasonable on the record.

Because we affirm, Estrada’s request that any remand be assigned to a different judge is moot.

AFFIRMED.