

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

August 21, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MATTHEW SCOTT ROSE,

Defendant - Appellant.

No. 25-1443
(D.C. No. 1:23-CR-00230-NYW-1)
(D. Colo.)

ORDER AND JUDGMENT*

Before **BACHARACH**, **McHUGH**, and **CARSON**, Circuit Judges.

This appeal involves the denial of a motion in a criminal case. In denying relief, the district court gave two independent reasons. The defendant appeals the ruling, but challenges only one of the reasons. We affirm because the defendant failed to challenge an independent reason for the ruling.

* The parties do not request oral argument, and it would not help us decide the appeal. So we have decided the appeal based on the record and the briefing. *See* Fed. R. App. P. 34(a)(2)(C); 10th Cir. R. 34.1(G).

This order and judgment does not constitute binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel. But the order and judgment may be cited for its persuasive value if otherwise appropriate. *See* Fed. R. App. P. 32.1(a); 10th Cir. R. 32.1(A).

1. The district court gives independent reasons for denying the motion.

The defendant was convicted of two counts of accessing a computer to obtain value through fraud. For these convictions, he was sentenced to 70 months in prison.

Roughly a year after the sentencing, the defendant moved for a sentence reduction, alleging that his medical care was inadequate. Under federal law, the court could reduce the sentence if the defendant showed extraordinary and compelling reasons. 18 U.S.C. § 3582(c)(1)(A). Upon such a showing, the district court would need to reconsider the sentencing factors to determine whether to reduce the sentence.¹ *Id.*

The district court denied the defendant’s motion, concluding that (1) his need for medical care didn’t create extraordinary and compelling reasons to reduce the sentence and (2) three of the sentencing factors—the seriousness of the offense, the nature and characteristics of the defendant, and general deterrence—would prevent a sentence reduction. 28 U.S.C. § 3553(a)(1)-(2)(A), (B).

¹ The defendant also needed to show that a sentence reduction would be consistent with the Sentencing Commission’s policy statements. 18 U.S.C. § 3582(c)(1)(A)(ii). But this requirement isn’t at issue here.

2. The defendant fails to challenge one of the district court's two independent reasons for the ruling.

To justify reversal, the defendant needed to challenge both conclusions. *Lebahn v. Nat'l Farmers Union Unif. Pension Plan*, 828 F.3d 1180, 1188 (10th Cir. 2016).

The defendant insists that he showed extraordinary and compelling reasons to reduce the sentence. Even if we were to agree, however, he hasn't addressed the district court's reliance on the statutory sentencing factors. The court's reliance on these factors would independently justify the ruling even if the defendant had extraordinary and compelling reasons to reduce the sentence. So we can't disturb the denial of the motion for a sentence reduction. *Id.*

3. The inability to file a reply brief didn't prejudice the defendant.

The defendant challenges not only the ruling itself, but also the way that the district court addressed the issue. In district court, the defendant moved for a sentence reduction and the government responded. But the defendant argues that he didn't file a reply brief because he never received the government's response. According to the defendant, the inability to file a reply brief constituted a denial of due process.

To assess this argument, we must consider what the defendant says he would have presented in the reply. He says only that he would have presented additional arguments on extraordinary and compelling reasons

for a sentence reduction. But this argument wouldn't affect the statutory sentencing factors. So the inability to file a reply brief didn't prejudice the defendant. *See Walter v. Morton*, 33 F.3d 1240, 1244 (10th Cir. 1994) (concluding that the district court didn't abuse its discretion by ruling before the filing of a reply brief based on the absence of prejudice).²

The district court relied in part on the statutory sentencing factors, but the defendant doesn't challenge that reasoning. He does argue that he didn't get the government's response brief, but he doesn't suggest that a reply brief would have addressed the statutory sentencing factors. So we affirm the denial of the defendant's motion.

Entered for the Court

Robert E. Bacharach
Circuit Judge

² In unpublished opinions, we have rejected similar due process claims based on the denial of compassionate release before the defendant could file a reply brief. *United States v. Bonilla*, No. 23-5096, 2024 WL 1782366, at *2 (10th Cir. Apr. 18, 2024) (unpub.); *United States v. Hammons*, No. 22-6044, 2022 WL 3681254, at *2 (10th Cir. Aug. 25, 2022) (unpub.); *accord United States v. Richardson*, No. 22-13990, 2023 WL 4346761, at *1 (11th Cir. July 5, 2023) (unpub.) (concluding that the denial of a motion for compassionate release did not deprive the defendant of due process even though he didn't file a reply brief before the ruling).