

United States v. Evans

United States Court of Appeals for the Sixth Circuit

August 26, 2025, Filed

No. 25-5118

Reporter

2025 U.S. App. LEXIS 22054 *; 2025 LX 363906; 2025 WL 2486607

UNITED STATES OF AMERICA, Plaintiff-Appellee, v. ROBERT EMMANUEL EVANS, Defendant-Appellant.

Notice: CONSULT 6TH CIR. R. 32.1 FOR CITATION OF UNPUBLISHED OPINIONS AND DECISIONS.

Prior History: [*1] ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF KENTUCKY.

[United States v. Evans, 2025 U.S. Dist. LEXIS 17413, 2025 WL 365632 \(Jan. 31, 2025\)](#)

Counsel: For UNITED STATES OF AMERICA, Plaintiff - Appellee: Charles P. Wisdom Jr., Assistant U.S. Attorney, Hydee R. Hawkins, Assistant U.S. Attorney, Office of the U.S. Attorney, Lexington, KY.

ROBERT EMMANUEL EVANS, Defendant - Appellant, Pro se, Richmond, KY.

Judges: Before: CLAY, McKEAGUE, and THAPAR, Circuit Judges.

Opinion

ORDER

Robert Emmanuel Evans, a former federal prisoner proceeding pro se, appeals the district court's order denying his motion to terminate his supervised release, filed pursuant to [18 U.S.C. § 3583\(e\)\(1\)](#). Evans moves for leave to proceed in forma pauperis and for the appointment of counsel. The government concedes error and moves to remand so that the district court can reconsider Evans's early termination motion. For the reasons that follow, we grant the government's remand motion, vacate the district court's order, and remand for further proceedings.

In 2011, Evans pleaded guilty to receiving and distributing child pornography, in violation of [18 U.S.C. § 2252\(a\)\(2\)](#). The district court sentenced him to 135 months of imprisonment, followed by a lifetime term of supervised release. Evans's direct appeal and [28 U.S.C. § 2255](#) motion were both unsuccessful. See [United States v. Evans, No. 12-5023, 2012 U.S. App. LEXIS 27490 \(6th Cir. Nov. 8, 2012\)](#) [*2] ; *Evans v. United States*, No. 15-5715 (6th Cir. Nov. 19, 2015) (denying a certificate of appealability). Evans began serving his term of supervised release in September 2020.

In September 2024, Evans moved to terminate his supervised release, arguing that immediate termination or modification was warranted because (1) he has led a law-abiding life since his release from prison, (2) the duration and terms of his supervision have hindered his ability to attain gainful employment, (3) the district court at sentencing failed to explain its reasons for imposing the lifetime term of supervised release, and (4) a lifetime term of supervised release is longer than necessary to meet the statutory purposes of sentencing. After the motion was docketed, Evans's case was reassigned by administrative order to another district judge. The new district judge commended Evans's post-incarceration accomplishments but denied his motion on the basis that "[t]he Court only considers requests for modification or termination of supervised release . . . if the request is made to the Court by

the federal probation officer responsible for supervising the defendant." Evans moved for reconsideration, to no avail.

On appeal, Evans argues, and the government concedes, that the [*3] district court abused its discretion by denying his early termination motion without considering the relevant sentencing factors under [18 U.S.C. § 3553\(a\)](#).

We review the district court's denial of a motion for early termination of supervised release for an abuse of discretion. [United States v. Hale, 127 F.4th 638, 640 \(6th Cir. 2025\)](#). A district court may terminate a supervised-release term "at any time after the expiration of one year of supervised release." [18 U.S.C. § 3583\(e\)\(1\)](#). However, it may do so only after considering certain [§ 3553\(a\)](#) factors and determining that termination is "warranted by the conduct of the defendant released and the interest of justice." *Id.* Where, as here, a district court *denies* an early termination motion, "the record must demonstrate that [it] considered the relevant [§ 3553\(a\)](#) factors." [United States v. Tavaréz, 141 F.4th 750, 758 \(6th Cir. 2025\)](#).

As stated above, Evans began his term of supervised release in September 2020 and moved for early termination in September 2024. He thus satisfies § 3853(e)(1)'s requirement that he complete one year of supervised release before the district court may terminate the supervised-release term. But the district court denied Evans relief because, as a matter of practice, it does not consider defendant-filed motions for early termination of supervised release. Because the district court's order made [*4] no mention of the required [§ 3553\(a\)](#) factors, we cannot determine whether the district court considered them when ruling on Evans's early termination motion, and remand is therefore warranted. See [id. at 758-59](#).

Lastly, Evans argues that the judge who ruled on his early termination motion treated him "unfairly" and that his case should be reassigned to a different judge on remand. But he presents no evidence to support this allegation except the court's adverse rulings, and "judicial rulings alone almost never constitute a valid basis for a bias or partiality motion." [Liteky v. United States, 510 U.S. 540, 555, 114 S. Ct. 1147, 127 L. Ed. 2d 474 \(1994\)](#). Nothing here warrants a departure from the usual rule.

For these reasons, we **GRANT** the government's remand motion, **VACATE** the district court's order, and **REMAND** for further proceedings consistent with this order. Evans's motion to proceed in forma pauperis is **GRANTED** for the limited purpose of this review, and his motion for the appointment of appellate counsel is **DENIED** as moot.

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