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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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TAPIA *v.* UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 10–5400. Argued April 18, 2011—Decided June 16, 2011

Petitioner Tapia was convicted of, *inter alia*, smuggling unauthorized aliens into the United States. The District Court imposed a 51-month prison term, reasoning that Tapia should serve that long in order to qualify for and complete the Bureau of Prisons' Residential Drug Abuse Program (RDAP). On appeal, Tapia argued that lengthening her prison term to make her eligible for RDAP violated 18 U. S. C. §3582(a), which instructs sentencing courts to "recogniz[e] that imprisonment is not an appropriate means of promoting correction and rehabilitation." The Ninth Circuit disagreed. Relying on Circuit precedent, it held that a sentencing court cannot impose a prison term to assist a defendant's rehabilitation, but once imprisonment is chosen, the court may consider the defendant's rehabilitation needs in setting the sentence's length.

Held: Section 3582(a) does not permit a sentencing court to impose or lengthen a prison term in order to foster a defendant's rehabilitation. Pp. 3–15.

(a) For nearly a century, the Federal Government used an indeterminate sentencing system premised on faith in rehabilitation. *Mistretta* v. *United States*, 488 U. S. 361, 363. Because that system produced "serious disparities in [the] sentences" imposed on similarly situated defendants, *id.,* at 365, and failed to "achieve rehabilitation," *id.,* at 366, Congress enacted the Sentencing Reform Act of 1984 (SRA), replacing the system with one in which Sentencing Guidelines would provide courts with "a range of determinate sentences," *id.,* at 368. Under the SRA, a sentencing judge must impose at least imprisonment, probation, or a fine. See §3551(b). In determining the appropriate sentence, judges must consider retribution, deterrence, incapacitation, and rehabilitation, §3553(a)(2), but a particular pur-

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pose may apply differently, or not at all, depending on the kind of sentence under consideration. As relevant here, a court ordering imprisonment must "recogniz[e] that imprisonment is not an appropriate means of promoting correction and rehabilitation." §3582(a). A similar provision instructs the Sentencing Commission, as the Sentencing Guidelines' author, to "insure that the guidelines reflect the inappropriateness of imposing a sentence to a term of imprisonment for the purpose of rehabilitating the defendant." 28 U. S. C. §994(k). Pp. 3–6.

(b) Consideration of Tapia's claim starts with §3582(a)'s clear text. Putting together the most natural definitions of "recognize"—"to acknowledge or treat as valid"—and not "appropriate"—not "suitable or fitting for a particular purpose"—§3582(a) tells courts to acknowledge that imprisonment is not suitable for the purpose of promoting rehabilitation. It also instructs courts to make that acknowledgment when "determining whether to impose a term of imprisonment, and . . . [when] determining the length of the term." *Amicus,* appointed to defend the judgment below, argues that the "recognizing" clause is merely a caution for judges not to put too much faith in the capacity of prisons to rehabilitate. But his alternative interpretation is unpersuasive, as Congress expressed itself clearly in §3582(a). *Amicus* also errs in echoing the Ninth Circuit's reasoning that §3582's term "imprisonment" relates to the decision whether to incarcerate, not the determination of the sentence's length. Because "imprisonment" most naturally means "the state of being confined" or "a period of confinement," it does not distinguish between the defendant's initial placement behind bars and his continued stay there.

Section 3582(a)'s context supports this textual conclusion. By restating §3582(a)'s message to the Sentencing Commission, Congress ensured that all sentencing officials would work in tandem to implement the statutory determination to "reject imprisonment as a means of promoting rehabilitation." *Mistretta*, 488 U. S., at 367. Equally illuminating is the absence of any provision authorizing courts to ensure that offenders participate in prison rehabilitation programs. When Congress wanted sentencing courts to take account of rehabilitative needs, it gave them authority to do so. See, *e.g.,* §3563(b)(9). In fact, although a sentencing court can recommend that an offender be placed in a particular facility or program, see §3582(a), the authority to make the placement rests with the Bureau of Prisons, see, *e.g.,* §3621(e). The point is well illustrated here, where the District Court's strong recommendations that Tapia participate in RDAP and be placed in a particular facility went unfulfilled. Finally, for those who consider legislative history useful, the key Senate Report on the SRA provides corroborating evidence. Pp. 6–12.

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(c) *Amicus'* attempts to recast what the SRA says about rehabilitation are unavailing. Pp. 12–14.

(d) Here, the sentencing transcript suggests that Tapia's sentence may have been lengthened in light of her rehabilitative needs. A court does not err by discussing the opportunities for rehabilitation within prison or the benefits of specific treatment or training programs. But the record indicates that the District Court may have increased the length of Tapia's sentence to ensure her completion of RDAP, something a court may not do. The Ninth Circuit is left to consider on remand the effect of Tapia's failure to object to the sentence when imposed. Pp. 14–15.

376 Fed. Appx. 707, reversed and remanded.

KAGAN, J., delivered the opinion for a unanimous Court. SOTOMAYOR, J., filed a concurring opinion, in which ALITO, J., joined.