

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 24 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

PATRICE LUMUMBA FORD, a.k.a. Larry
Jackson, a.k.a. Lumumba,

Defendant-Appellant.

No. 16-30173

D.C. No. 3:02-cr-00399-JO

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Robert E. Jones, District Judge, Presiding

Submitted April 11, 2017**

Before: GOULD, CLIFTON, and HURWITZ, Circuit Judges.

Patrice Lumumba Ford appeals from the district court's denial of his motion for a sentence reduction. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Ford argues that remand is warranted for the district court to consider

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

whether to recommend that the Bureau of Prisons (“BOP”) place Ford in a community corrections facility, pursuant to 18 U.S.C. § 3621(b)(4)(B), and whether to invite the BOP to file a motion to reduce his term of imprisonment in light of “extraordinary and compelling reasons,” pursuant to 18 U.S.C.

§ 3582(c)(1)(A)(i). Though pro se motions are to be liberally construed, *see Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000), not even the most liberal construction reveals these arguments in Ford’s pro se motion for a sentence reduction in the district court. Accordingly, we decline to consider them. *See United States v. Pimentel-Flores*, 339 F.3d 959, 967 (9th Cir. 2003) (“Issues not presented to the district court cannot generally be raised for the first time on appeal.” (internal citations omitted)). Furthermore, the district court properly determined, and Ford does not dispute, that Ford is not entitled to a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2), *Pepper v. United States*, 562 U.S. 476 (2011), or *United States v. Booker*, 543 U.S. 220 (2005).

Ford’s motion for judicial notice is granted.

AFFIRMED.