NOT FOR PUBLICATION

FILED

AUG 11 2020

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff-Appellee, v. STEVEN WILLIAM CARPENTER, Defendant-Appellant.	No. 19-30274 D.C. No. 4:12-cr-00065-BMM-2 MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Brian M. Morris, District Judge, Presiding

Submitted August 5, 2020**

Before: SCHROEDER, HAWKINS, and LEE, Circuit Judges.

Steven William Carpenter appeals pro se from the district court's order denying his motion for sentence reduction pursuant to 18 U.S.C. § 3582(c)(1)(A). We have jurisdiction under 28 U.S.C. § 1291. Reviewing for abuse of discretion, *see United States v. Townsend*, 98 F.3d 510, 512 (9th Cir. 1996), we affirm.

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* 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).

The government asserts that Carpenter's appeal should be dismissed because Carpenter filed an untimely notice of appeal. Contrary to the government's contention, Carpenter's notice of appeal was timely filed within fourteen days of the district court's order. *See* Fed. R. App. P. 4(b)(1)(A); *Houston v. Lack*, 487 U.S. 266, 270 (1988) (pro se prisoner's notice of appeal is filed at the time the prisoner delivers it to prison authorities).

Carpenter contends that he is entitled to a sentence reduction because he suffers from debilitating medical conditions that have been exacerbated by his confinement. However, Carpenter has not demonstrated that "extraordinary and compelling reasons" warrant a sentence reduction because the record[i] reflects that his medical conditions are stable and have not substantially diminished his ability to provide self-care within the facility. *See* 18 U.S.C. § 3582(c)(1)(A)(i); U.S.S.G. § 1B1.13 cmt. n.1(A). The district court, therefore, did not abuse its discretion by denying Carpenter's motion for a sentence reduction.

AFFIRMED.

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[i] We have confined our review of the record to what was presented to the district court and decline to consider documents Carpenter submitted for the first time on appeal. *See Rudin v. Myles*, 781 F.3d 1043, 1057 n.18 (9th Cir. 2014) (generally documents that are not filed with the district court cannot be made part of the appellate record). Even were we to consider the documents, however, it would not affect the outcome of this case.