

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 19 2021

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 20-30139

Plaintiff-Appellee,

D.C. No. 9:15-cr-00006-DLC-3

v.

FREDERICK GLEN JOHNSON,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the District of Montana
Dana L. Christensen, District Judge, Presiding

Submitted March 16, 2021**

Before: GRABER, R. NELSON, and HUNSAKER, Circuit Judges.

Frederick Glen Johnson appeals pro se from the district court's order denying his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i).

We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Contrary to Johnson's argument, the district court did not abuse its

* 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).

discretion by denying his motion.¹ The court considered Johnson’s offense conduct, which involved repeated brandishing of a firearm, and his numerous prior convictions. In light of Johnson’s history, the court concluded that, even if Johnson had demonstrated “extraordinary and compelling reasons” justifying relief, a reduced sentence was not warranted under the sentencing factors, particularly the need to protect the public. *See* 18 U.S.C. § 3582(c)(1)(A) (district court must consider the applicable 18 U.S.C. § 3553(a) sentencing factors when reviewing a motion for compassionate release); *see also* 18 U.S.C. § 3553(a)(1), (a)(2)(C). Because the court’s conclusion is supported by the record, it did not abuse its discretion by denying relief. *See United States v. Robertson*, 895 F.3d 1206, 1213 (9th Cir. 2018) (a district court abuses its discretion only if its decision is illogical, implausible, or without support in the record).

We treat Johnson’s “notice and motion of appeal” as a motion to file a supplemental brief. So treated, the motion is granted.

AFFIRMED.

¹ The denial of a motion for a sentence reduction under 18 U.S.C. § 3582(c)(2) is reviewed for abuse of discretion. *See United States v. Dunn*, 728 F.3d 1151, 1155 (9th Cir. 2013). We accept, for purposes of this appeal, the parties’ assertion that the abuse of discretion standard also applies to denials under 18 U.S.C. § 3582(c)(1)(A).