

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 25 2021

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 21-10001

Plaintiff-Appellee,

D.C. Nos.

v.

2:09-cr-00222-HDM-PAL-1

ANTHONY SWANSON,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the District of Nevada
Howard D. McKibben, District Judge, Presiding

Submitted August 17, 2021**

Before: SILVERMAN, CHRISTEN, and LEE, Circuit Judges.

Anthony Swanson appeals 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.

Swanson challenges the district court's conclusion that he did not

* 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).

demonstrate extraordinary and compelling reasons warranting his release. The district court did not abuse its discretion. *See United States v. Aruda*, 993 F.3d 797, 799 (9th Cir. 2021). The district court’s conclusions regarding the risk of reinfection with COVID-19 and the availability of a vaccine were not illogical, implausible, or without support in the record. *See United States v. Robertson*, 895 F.3d 1206, 1213 (9th Cir. 2018). Moreover, contrary to Swanson’s contention, the record reflects that the district court satisfied its procedural obligations by considering Swanson’s arguments and the relevant 18 U.S.C. § 3553(a) factors and adequately explaining its decision that relief was unwarranted. *See Chavez-Meza v. United States*, 138 S. Ct. 1959, 1965 (2018).

In light of this disposition, we need not reach Swanson’s additional challenges to the district court’s application of the § 3553(a) factors. *See United States v. Keller*, 2 F.4th 1278, 1284 (9th Cir. 2021) (a district court may deny a compassionate release motion on the sole ground that the defendant did not show an “extraordinary and compelling” reason for release).

AFFIRMED.