

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 25 2022

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 21-10322

Plaintiff-Appellee,

D.C. No. 2:15-cr-00235-TLN-1

v.

MEMORANDUM\*

DUMITRU MARTIN,

Defendant-Appellant.

Appeal from the United States District Court  
for the Eastern District of California  
Troy L. Nunley, District Judge, Presiding

Submitted November 15, 2022\*\*

Before: CANBY, CALLAHAN, and BADE, Circuit Judges.

Dumitru Martin appeals from the district court's order denying his renewed 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.

In support of his renewed motion, Martin submitted additional medical

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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).

evidence and again argued that he was receiving inadequate care. He also argued that the 18 U.S.C. § 3553(a) factors supported compassionate release because his release would not pose a risk to the public, the plea deal offered to him before trial and the sentences received by his co-defendants showed that his sentence was too long, and other similarly situated defendants had been granted compassionate release. The additional medical evidence Martin submitted was largely duplicative of the medical evidence the district court had previously considered and, in any event, the court assumed that Martin's medical conditions were sufficiently serious to constitute extraordinary and compelling reasons. As to Martin's § 3553(a) arguments, to the extent he asserted new grounds for relief, we cannot say the district court abused its discretion in concluding that those new arguments did not outweigh the other § 3553(a) factors, including the seriousness of the offense. *See United States v. Wright*, 46 F.4th 938, 944, 948 (9th Cir. 2022).

Martin's request for judicial notice of two news articles that postdate the district court's order is denied.

**AFFIRMED.**