

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 14 2022

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 21-30236

Plaintiff-Appellee,

D.C. No. 1:17-cr-00087-SPW-1

v.

STEVEN WARREN BAKER,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the District of Montana
Susan P. Watters, District Judge, Presiding

Submitted April 11, 2022**

Before: McKEOWN, CHRISTEN, and BRESS, Circuit Judges.

Steven Warren Baker appeals from the district court's order denying his motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Baker contends that the district court erred by categorically rejecting his

* 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).

argument that his family circumstances warranted compassionate release. Even if Baker is correct, we see no cause to remand. Baker did not substantiate his claim regarding his family circumstances, just as he failed to substantiate his asserted medical conditions. On this record, we agree with the district court that Baker did not meet his burden to establish extraordinary and compelling reasons for compassionate release.

We do not reach Baker's additional argument that the 18 U.S.C. § 3553(a) factors weigh in favor of release because the district court did not decide that issue, nor was it required to do so after it determined that Baker had not shown extraordinary and compelling reasons for release. *See United States v. Keller*, 2 F.4th 1278, 1284 (9th Cir. 2021) (“[A] district court that properly *denies* compassionate release need not evaluate each step.”).

AFFIRMED.