

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 25 2022

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 21-30243

Plaintiff-Appellee,

D.C. No. 1:18-cr-00025-SPW-1

v.

MEMORANDUM*

JAMES N. NEVELS III,

Defendant-Appellant.

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

Submitted August 17, 2022**

Before: S.R. THOMAS, PAEZ, and LEE, Circuit Judges.

James N. Nevels, III, 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. Reviewing for abuse of discretion, *see United States v. Keller*, 2 F.4th 1278, 1281 (9th Cir. 2021), we affirm.

* 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).

Nevels contends that the district court abused its discretion by denying compassionate release because the relevant factors, particularly his low level of dangerousness to the community and his physical and mental condition, weighed in favor of release. He also argues that the district court failed to explain adequately its decision to deny relief. These claims are unavailing. The district court acknowledged Nevels's medical conditions and rehabilitative efforts, but nevertheless concluded that compassionate release was not warranted because Nevels's medical conditions were well-managed, he had been vaccinated, his Guidelines range was unchanged by the amendment to 18 U.S.C. § 3553(f), and reducing his 15-year sentence to less than four years would denigrate the seriousness of his offense and undermine respect for the law. The court did not abuse its discretion in reaching this conclusion, *see United States v. Robertson*, 895 F.3d 1206, 1213 (9th Cir. 2018) (district court abuses its discretion only if its decision is illogical, implausible, or unsupported by the record), and it sufficiently explained its decision, *see Chavez-Meza v. United States*, 138 S. Ct. 1959, 1965 (2018).

AFFIRMED.