

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 22 2022

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 22-10014

Plaintiff-Appellee,

D.C. No. 1:18-cr-00180-JLT-SKO-1

v.

MEMORANDUM*

ARIC MATTHEW SALAZAR,

Defendant-Appellant.

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

Submitted November 15, 2022**

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

Aric Matthew Salazar 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. 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).

Salazar contends that the district court erred by denying his motion because he has serious medical conditions that have worsened during the pandemic; the conditions in his prison make it impossible for him to avoid being reinfected with COVID-19; vaccination does not protect him from new variants of the virus; the Bureau of Prisons is not adequately treating the medical needs of inmates; he has been rehabilitated; and other inmates have been granted compassionate release. The district court did not abuse its discretion in concluding that Salazar's arguments were insufficient to warrant release. The court acknowledged that some of Salazar's medical conditions put him at increased risk from COVID-19, but reasonably concluded that the risk was mitigated by his age of 37, the fact that his medical conditions were being managed with medication, and his plans to be vaccinated. The court also reasonably concluded that the 18 U.S.C. § 3553(a) factors did not support release given that Salazar had then served only about 20% of his already below-Guidelines sentence. On this record, the court did not abuse its discretion by denying relief. *See United States v. Robertson*, 895 F.3d 1206, 1213 (9th Cir. 2018) (stating that the district court abuses its discretion only if its decision is illogical, implausible, or not supported by the record).

AFFIRMED.