

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 18 2023

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 22-10347

Plaintiff-Appellee,

D.C. No. 2:03-cr-00371-JAM-8

v.

MEMORANDUM\*

SHAWN MICHAEL CONLEY,

Defendant-Appellant.

Appeal from the United States District Court  
for the Eastern District of California  
John A. Mendez, District Judge, Presiding

Submitted December 12, 2023\*\*

Before: WALLACE, LEE, and BUMATAY, Circuit Judges.

Shawn Michael Conley 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. Reviewing for abuse of discretion, *see United States v. Wright*, 46 F.4th 938, 944 (9th Cir. 2022), 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).

Conley first contends that the district court erred in its analysis of his asserted extraordinary and compelling circumstances because it did not sufficiently consider his arguments and relied on materially incorrect facts. The record reflects, however, that the district court adequately considered Conley's circumstances and arguments for release, both individually and in combination. Moreover, even if the district court's statement that Conley failed to accept responsibility for his offense is at odds with the court's decision to grant him an acceptance of responsibility adjustment at the original sentencing, there is substantial record support for its overall conclusion that Conley's circumstances were distinguishable from those of his codefendant.

The district court also reasonably concluded that, even considering Conley's rehabilitation and release plan, the 18 U.S.C. § 3553(a) factors weighed against release. *See United States v. Keller*, 2 F.4th 1278, 1284 (9th Cir. 2021). Contrary to Conley's arguments, the district court sufficiently explained this decision and did not abuse its discretion by concluding that the original sentence remained appropriate under the § 3553(a) factors. *See Wright*, 46 F.4th at 948-50.

**AFFIRMED.**