

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 21 2023

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 22-50067

Plaintiff-Appellee,

D.C. No.

v.

3:08-cr-01332-JAH-2

FIDEL VILLARREAL,

MEMORANDUM*

Defendant-Appellant.

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

Submitted November 17, 2023**
Pasadena, California

Before: RAWLINSON, CLIFTON, and HURWITZ, Circuit Judges.

Fidel Villarreal appeals the district court's denial of his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A). We have jurisdiction pursuant to 28 U.S.C. § 1291. We review a district court's denial of compassionate release for abuse of discretion. *United States v. Wright*, 46 F.4th 938, 944 (9th Cir.

* 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).

2022). We affirm.

The district court did not abuse its discretion in denying Villarreal’s motion for compassionate release. When reviewing motions for compassionate release, a district court must: (1) “determine whether extraordinary and compelling reasons warrant a sentence reduction,” (2) “evaluate whether a reduction would be consistent with applicable policy statements issued by the Sentencing Commission,” and (3) “consider and weigh the factors set forth in 18 U.S.C. § 3553(a) to decide whether the requested sentence reduction is warranted under the particular circumstances of the case.” *Id.* at 945 (quotation marks and citations omitted). “Although a district court must conclude that a defendant satisfies all three predicates before granting a motion for compassionate release, it may deny compassionate release if a defendant fails to satisfy any of these grounds.” *Id.*

Villarreal’s argument that the district court improperly took judicial notice of facts in other compassionate release cases in its “extraordinary and compelling reasons” determination lacks merit. The district court did not take judicial notice of any facts, but merely, as courts do, cited other cases holding that diagnoses of hypertension and high cholesterol are not “extraordinary or compelling reasons” warranting compassionate release.

Since Villarreal raises no other arguments for why the district court abused its discretion in determining that Villarreal failed to demonstrate “extraordinary

and compelling reasons” warranting compassionate release, we need not address Villarreal’s remaining arguments.

AFFIRMED.