

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 21 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA

No. 17-10131

Plaintiff-Appellee,

D.C. No. 4:09-cr-00829-RCC

v.

MEMORANDUM\*

MICHEL MARTINEZ,

Defendant-Appellant.

Appeal from the United States District Court  
for the District of Arizona  
Raner C. Collins, Chief Judge, Presiding

Submitted December 18, 2017\*\*

Before: WALLACE, SILVERMAN, and BYBEE, Circuit Judges.

Michel Martinez appeals the district court's order denying his motion for a sentence reduction under 18 U.S.C. § 3582(c)(2). We have jurisdiction under 28 U.S.C. § 1291, and we vacate the court's order and remand for further proceedings.

There was no dispute in the district court that, because Amendment 782

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\* 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).

lowered Martinez's Guidelines range, he was statutorily eligible for a sentence reduction. The court declined to grant a reduction, however, "[a]fter reviewing the facts of this case." It provided no further explanation. Martinez contends that this explanation was inadequate. We agree that greater elaboration was required. *See United States v. Trujillo*, 713 F.3d 1003, 1009-1011 (9th Cir. 2013).

**VACATED and REMANDED.**