

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 22 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 16-10478

Plaintiff-Appellee,

D.C. No. 4:12-cr-00674-JSW

v.

MEMORANDUM*

ERIC JONES,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of California
Jeffrey S. White, District Judge, Presiding

Submitted December 18, 2017**

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

Eric Jones appeals from the district court's order denying the parties' joint stipulation for a sentence reduction under 18 U.S.C. § 3582(c)(2). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Jones contends that the district court erred in failing to give adequate

* 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).

consideration to the amended Guidelines range and the implications for public safety of the proposed 10-month reduction. He also argues that the court failed to explain adequately its denial of the parties' stipulation. We disagree. The record reflects that the district court considered the pertinent 18 U.S.C. § 3553(a) sentencing factors, including Jones's amended Guidelines range and post-sentencing conduct, but determined that on the facts of his particular case, a reduction was unwarranted. Moreover, the district court sufficiently explained its reasons for declining to reduce Jones's sentence, which are also apparent from the record. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc) (“[A]dequate explanation in some cases may also be inferred from the PSR or the record as a whole.”). Accordingly, we conclude that the district court did not abuse its discretion in denying the request to reduce Jones's sentence. *See* U.S.S.G. § 1B1.10 cmt. n.1(B); *United States v. Lightfoot*, 626 F.3d 1092, 1096 (9th Cir. 2010).

AFFIRMED.