

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 17 2020

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 20-10236

Plaintiff-Appellee,

D.C. No. 4:16-cr-00382-HSG-14

v.

MEMORANDUM*

IGNACIO GONZALEZ, AKA Pelon,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of California
Haywood S. Gilliam, Jr., District Judge, Presiding

Submitted November 9, 2020**

Before: THOMAS, Chief Judge, TASHIMA and W. FLETCHER, Circuit Judges.

Ignacio Gonzalez 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, and we vacate and remand.

Gonzalez argues that, in light of the COVID-19 pandemic and his health

* 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).

conditions, the district court should have granted compassionate release. The parties agree, and the record reflects, that the district court incorrectly concluded that Gonzalez had not submitted evidence of his obesity. Because the court might have reached a different conclusion as to whether Gonzalez had demonstrated an “extraordinary and compelling reason” for reducing his sentence, 18 U.S.C. § 3582(c)(1)(A)(i), had it considered Gonzalez’s obesity in combination with his other health problems, we vacate the district court’s order and remand for further proceedings.

VACATED AND REMANDED.