

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 25 2021

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 20-30075

Plaintiff-Appellee,

D.C. No. 3:05-cr-00076-RRB-1

v.

BYRON WILLIAMS, AKA Felipe,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the District of Alaska

Ralph R. Beistline, District Judge, Presiding

Submitted February 17, 2021**

Before: FERNANDEZ, BYBEE, and BADE, Circuit Judges.

Byron Williams appeals from the district court's order denying his motion for a reduction of sentence under the First Step Act. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Williams contends that the district court erred by failing to give sufficient

* 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).

weight to his post-sentencing rehabilitation efforts. Assuming without deciding that Williams was eligible for a sentence reduction under the First Step Act, the district court did not abuse its discretion by concluding that a reduction was unwarranted in light of Williams's misconduct while in custody and his criminal history. *See United States v. Kelley*, 962 F.3d 470, 479 (9th Cir. 2020); *see also United States v. Gutierrez-Sanchez*, 587 F.3d 904, 908 (9th Cir. 2009) ("The weight to be given the various factors in a particular case is for the discretion of the district court."). Moreover, contrary to Williams's contention, the record reflects that the court considered Williams's arguments and provided a sufficient explanation for its decision. *See Chavez-Meza v. United States*, 138 S. Ct. 1959, 1965 (2018).

AFFIRMED.