

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 28 2021

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 20-50191

Plaintiff-Appellee,

D.C. No. 2:17-cr-00048-MWF-1

v.

ELVIS HENRY IDADA,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the Central District of California
Michael W. Fitzgerald, District Judge, Presiding

Submitted April 20, 2021**

Before: THOMAS, Chief Judge, TASHIMA and SILVERMAN, Circuit Judges.

Elvis Henry Idada 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 affirm.

* 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). Idada's request for oral argument is, therefore, denied.

The district court did not err in its denial of Idada's motion.¹ First, the record reflects that the district court considered the general conditions at FMC-Devens, but reasonably concluded that Idada failed to demonstrate "extraordinary and compelling reasons" for release in light of his good health. *See* 18 U.S.C. § 3582(c)(1)(A)(i). Contrary to Idada's argument, the district court also properly considered the nature of his offense and reasonably denied relief on those grounds as well.² *See* 18 U.S.C. §§ 3553(a)(1), 3582(c)(1)(A) (district court must consider the applicable § 3553(a) factors on a motion for compassionate release). Finally, the record belies Idada's assertion that the district court treated him more harshly because his underlying offense targeted lawyers.

AFFIRMED.

¹ The parties dispute whether an abuse of discretion or de novo standard of review applies. We need not address this dispute as our conclusion is the same under either standard.

² We do not reach whether the court properly considered victim impact statements because the district court stated that its ruling would be the same in the absence of the statements.