

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 25 2021

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 20-30173

Plaintiff-Appellee,

D.C. No. 1:16-cr-02058-SMJ-1

v.

DARRYL WILLIAM YOUNG,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Washington
Salvador Mendoza, Jr., District Judge, Presiding

Submitted June 21, 2021**

Before: SILVERMAN, WATFORD, and BENNETT, Circuit Judges.

Darryl William Young 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.

Young contends the district court erred in treating U.S.S.G. § 1B1.13 as a

* 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).

binding policy statement. Though we recently held that district courts may not treat § 1B1.13 as binding in evaluating a compassionate release motion brought by a prisoner, *see United States v. Aruda*, 993 F.3d 797, 802 (9th Cir. 2021), we disagree with Young that the district court did so here. Indeed, the district court explicitly found it was not bound by § 1B1.13 and gave the guideline minimal, if any, consideration.

Young further argues the district court conflated the legal inquiries, placed too much emphasis on the need to protect the public, and failed to explain adequately its reasons for denying Young's motion. We disagree. The district court separately analyzed Young's health risks and the 18 U.S.C. § 3553(a) factors, and applied the correct standard. Moreover, the court considered several of the § 3553(a) factors and did not abuse its discretion in concluding that they did not support release. *See Aruda*, 993 F.3d at 799; *see also United States v. Robertson*, 895 F.3d 1206, 1213 (9th Cir. 2018) (district court abuses its discretion only if its decision is illogical, implausible, or not supported by the record). The district court need not enumerate each § 3553(a) factor, and it sufficiently stated the reasons for its decision. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc).

AFFIRMED.