

NOT FOR PUBLICATION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. 20-30182

Plaintiff-Appellee,

D.C. No. 2:03-cr-00073-BLW-1

v.

ROBERT LEON MERTENS,

MEMORANDUM*

Defendant-Appellant.

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

B. Lynn Winmill, District Judge, Presiding

Submitted June 21, 2021**

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

Robert Leon Mertens appeals pro se from the district court's order denying his motion for a sentence reduction under 18 U.S.C. § 3582(c)(1)(A)(i). We have jurisdiction under 28 U.S.C. § 1291. "[W]e review § 3582(c)(1) sentence reduction decisions for abuse of discretion," *United States v. Aruda*, 993 F.3d 797,

* 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).

799 (9th Cir. 2021), and we affirm.

Mertens was sentenced in 2004 to 444 months' imprisonment for convictions including distribution of and possession with intent to distribute controlled substances, firearm possession, and money laundering. Since that time, he has filed two successful motions for a sentence reduction, resulting in a sentence of 314 months. In the instant motion, Mertens sought a further reduction, citing his ongoing rehabilitative efforts and changing societal attitudes regarding marijuana.

Contrary to Mertens's contention, the record shows that the court considered his arguments and evidence showing that his rehabilitative efforts continued even after his two successful sentence reduction motions. The court did not abuse its discretion by concluding that those additional efforts, in addition to changing societal attitudes about marijuana, did not warrant a third sentence reduction. *See 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).

Mertens's "Motion for a Notice to the Court and Request for a Hearing" is denied.

AFFIRMED.