

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 23 2021

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 20-10431

Plaintiff-Appellee,

D.C. No. 2:11-cr-00514-TLN-3

v.

NICHOLAS VOTAW,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of California
Troy L. Nunley, District Judge, Presiding

Submitted July 19, 2021**

Before: SCHROEDER, SILVERMAN, and MURGUIA, Circuit Judges.

Nicholas Votaw 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.

Votaw contends that the district court should have granted his motion in

* 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).

light of his young age at the time of his offense, remarkable success on pretrial release, minimal and nonviolent criminal history, and stable release plan. The district court did not abuse its discretion by denying Votaw's motion. *See United States v. Aruda*, 993 F.3d 797, 799 (9th Cir. 2021). The district court assumed without deciding that Votaw demonstrated compelling and extraordinary reasons under § 3582(c)(1)(A)(i), but nevertheless concluded that the factors listed in 18 U.S.C. § 3553(a) did not support a sentence reduction. The district court's conclusions that the § 3553(a) factors did not support a substantial reduction in the 24-month sentence and that Votaw's medical needs were being adequately managed were not illogical, implausible, or without support in the record. *See United States v. Robertson*, 895 F.3d 1206, 1213 (9th Cir. 2018).

AFFIRMED.