

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 28 2021

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 21-10021

Plaintiff-Appellee,

D.C. No. 1:19-cr-00036-DKW-1

v.

MEMORANDUM*

CORALEEN TUISALOO,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Hawaii
Derrick K. Watson, District Judge, Presiding

Submitted July 19, 2021**

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

Coraleen Tuisaloo appeals from the district court's order denying her 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 vacate and remand.

Tuisaloo contends that the district court erred by treating U.S.S.G. § 1B1.13

* 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). Therefore, we grant Tuisaloo's motion to expedite submission of this case without oral argument.

as a binding policy statement. The government concedes, and we agree, that remand is warranted for the district court to reassess Tuisaloo's motion for compassionate release under the standard set forth in *United States v. Aruda*, 993 F.3d 797, 802 (9th Cir. 2021) (“[T]he current version of U.S.S.G. § 1B1.13 is not an applicable policy statement for 18 U.S.C. § 3582(c)(1)(A) motions filed by a defendant.” (internal quotation marks and alteration omitted)). Accordingly, we vacate the district court's order denying Tuisaloo's motion and remand for further proceedings. *See id.*

We offer no views as to the merits of Tuisaloo's § 3582(c)(1)(A)(i) motion, and we need not reach her remaining arguments on appeal.

VACATED and REMANDED.