

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 23 2021

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 20-10407

Plaintiff-Appellee,

D.C. No.

v.

3:15-cr-00039-LRH-WGC-1

CHARLES EARL GRANDERSON, Jr.,

MEMORANDUM*

Defendant-Appellant.

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

Larry R. Hicks, District Judge, Presiding

Submitted August 17, 2021**

Before: SILVERMAN, CHRISTEN, and LEE, Circuit Judges.

Charles Earl Granderson, Jr., 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.

Granderson contends that the district court erred by relying on U.S.S.G.

* 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).

§ 1B1.13 as an applicable policy statement. Although we agree that the district court so erred, we find the error harmless because the district court did not abuse its discretion in concluding that the 18 U.S.C. § 3553(a) factors independently supported denying Granderson's motion. *See United States v. Keller*, 2 F.4th 1278, 1284 (9th Cir. 2021) (stating the standard of review and explaining that a district court may deny compassionate release on the basis of the § 3553(a) factors alone). The court considered Granderson's arguments and reasonably concluded that release was unwarranted in light of the § 3553(a) factors, including the need to protect the public and afford adequate deterrence. *See* 18 U.S.C. § 3553(a)(1), (a)(2)(A), (a)(2)(B); *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). Moreover, contrary to Granderson's contention, the district court sufficiently stated its reasons for the decision, *see Chavez-Meza v. United States*, 138 S. Ct. 1959, 1965 (2018), and did not rely on any clearly erroneous facts, *see United States v. Christensen*, 828 F.3d 763, 779 (9th Cir. 2015).

AFFIRMED.