

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 26 2021

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 20-10418

Plaintiff-Appellee,

D.C. No.

v.

3:05-cr-00241-LRH-VPC-1

JAMES BRETT ZIMMERMAN,

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.

James Brett Zimmerman 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.

Zimmerman contends that the district court failed to consider sufficiently his

* 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).

arguments for compassionate release and the 18 U.S.C. § 3553(a) factors, and did not adequately explain its decision to deny his motion. The record reflects that the court considered Zimmerman's arguments and the relevant § 3553(a) factors and provided an adequate explanation of its reasons for denying relief, including Zimmerman's extensive criminal history. *See Chavez-Meza v. United States*, 138 S. Ct. 1959, 1965 (2018). We need not reach Zimmerman's argument that the district court's findings regarding the risk to him posed by COVID-19 were erroneous because the court's independent conclusion that the § 3553(a) factors did not support relief provides an adequate basis to affirm. *See United States v. Keller*, 2 F.4th 1278, 1284 (9th Cir. 2021) (district court may deny a compassionate release motion solely on the basis of the § 3553(a) factors). Because the district court appropriately weighed the § 3553(a) factors and Zimmerman's arguments, and reasonably concluded that relief was not warranted, it did not abuse its discretion by denying Zimmerman's motion. *See Keller*, 2 F.4th at 1281, 1284; *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).

AFFIRMED.