

NOT FOR PUBLICATION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. 20-30204

Plaintiff-Appellee,

D.C. No. 3:16-cr-00028-TMB-1

v.

SPRESIM ALIM, I,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the District of Alaska
Timothy M. Burgess, District Judge, Presiding

Submitted August 17, 2021**

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

Spresim Alimi appeals pro se from the district court's orders denying his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i) and subsequent motion for reconsideration. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* 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).

Alimi contends that the district court erred by applying U.S.S.G. § 1B1.13 as an applicable policy statement, erred in its 18 U.S.C. § 3553(a) and dangerousness analysis, and wrongly concluded that Alimi’s obesity alone could not constitute an extraordinary and compelling reason for release. We need not decide whether the district court erred in its “extraordinary and compelling” analysis because the court did not abuse its discretion in independently concluding that the § 3553(a) sentencing factors did not support relief. *See United States v. Keller*, 2 F.4th 1278, 1281, 1284 (9th Cir. 2021) (stating standard of review and explaining that court may deny compassionate release based on its § 3553(a) analysis alone). As the district court observed, Alimi’s criminal history, the seriousness of his offense, and the need to protect the public weighed against shortening his sentence by more than half. *See* 18 U.S.C. § 3553(a)(1), (a)(2)(A), (C). Moreover, contrary to Alimi’s argument, the court did not rely on any clearly erroneous facts in calculating the remaining time on Alimi’s custodial sentence.

AFFIRMED.