

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 21 2021

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 21-30112

Plaintiff-Appellee,

D.C. No. 1:14-cr-00050-SPW-1

v.

MEMORANDUM*

GILBERT JOSEPH DONEY TORRES,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Montana
Susan P. Watters, District Judge, Presiding

Submitted September 14, 2021**

Before: PAEZ, NGUYEN, and OWENS, Circuit Judges

Gilbert Joseph Doney Torres 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.

Torres contends that, in light of his extensive medical problems, the district

* 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).

court reached an illogical and unsupported conclusion when it determined that release was unwarranted. Given the record before the district court, it did not abuse its discretion by denying relief. *See United States v. Aruda*, 993 F.3d 797, 799 (9th Cir. 2021) (stating standard of review). The district court acknowledged Torres's health conditions, but after considering his disciplinary violations while in prison and extensive criminal history, it determined that release would not serve public safety, promote respect for the law, or reflect the seriousness of the offense. *See* 18 U.S.C. § 3553(a)(1)-(2). This conclusion was not illogical, implausible, or without support in the record. *See United States v. Robertson*, 895 F.3d 1206, 1213 (9th Cir. 2018).

AFFIRMED.