

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 18 2021

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 21-10017

Plaintiff-Appellee,

D.C. No. 2:13-cr-00206-MCE-1

v.

MEMORANDUM*

ISRAEL WASHINGTON, AKA Puck,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of California
Morrison C. England, Jr., District Judge, Presiding

Submitted November 8, 2021**

Before: CANBY, TASHIMA, and MILLER, Circuit Judges.

Israel Washington 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. Reviewing for abuse of discretion, *see United States v. Keller*, 2 F.4th 1278, 1281 (9th Cir. 2021), 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).

Washington contends that the district court erred by relying on U.S.S.G. § 1B1.13 as an applicable policy statement in contravention of our holding in *United States v. Aruda*, 993 F.3d 797, 802 (9th Cir. 2021). Though the record supports this claim, any error was harmless because the court concluded that—regardless of whether Washington had demonstrated extraordinary and compelling reasons for release—it would deny Washington’s motion under 18 U.S.C. § 3553(a). *See Keller*, 2 F.4th at 1284 (a district court may deny compassionate release based on the § 3553(a) factors alone).

Washington argues that the district court’s § 3553(a) analysis is insufficient to support the denial of relief because it was “cursory” and did not reflect that the court actually weighed the sentencing factors. However, the district court explained that it agreed with the government’s § 3553(a) analysis, and the record as a whole makes clear why the court believed the § 3553(a) factors did not support relief. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc). The district court did not abuse its discretion by denying Washington’s motion. *See 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.