

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 17 2021

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 21-30034

Plaintiff-Appellee,

D.C. No. 3:18-cr-00081-SLG-1

v.

JEFFREY CLYDE JOBE,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the District of Alaska
Sharon L. Gleason, District Judge, Presiding

Submitted December 14, 2021**

Before: WALLACE, CLIFTON, and HURWITZ, Circuit Judges.

Jeffrey Clyde Jobe 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. Aruda*, 993 F.3d 797, 799 (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).

Jobe contends that remand is required because the district court did not explain what standard it used to determine whether he had established extraordinary and compelling reasons for release, thereby making it impossible to determine if the court erroneously treated U.S.S.G. § 1B1.13 as binding. *See Aruda*, 993 F.3d at 802 (district court may not treat § 1B1.13 as binding when assessing a compassionate release motion brought by a prisoner). The record does not support Jobe's claim. The district court correctly described the statutory framework for evaluating Jobe's motion and referred to § 1B1.13 only when responding to a specific claim Jobe had made under that Guideline. Moreover, the court considered all of Jobe's arguments in support of his motion, including his full medical record, and did not restrict its analysis to the considerations set forth in § 1B1.13. Finally, the district court independently concluded that the 18 U.S.C. § 3553(a) sentencing factors did not support compassionate release, a conclusion Jobe does not challenge on appeal. On this record, we conclude that the district court did not abuse its discretion in denying Jobe's motion.

The government's motion to supplement the record or, in the alternative, for judicial notice is denied.

AFFIRMED.