

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 25 2022

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 21-30150

Plaintiff-Appellee,

D.C. No. 1:17-cr-00244-DCN-2

v.

MEMORANDUM*

GUILLERMO NUNEZ-BELTRAN,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Idaho
David C. Nye, District Judge, Presiding

Submitted February 15, 2022**

Before: FERNANDEZ, TASHIMA, and FRIEDLAND, Circuit Judges.

Guillermo Nunez-Beltran appeals pro se 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.

Nunez-Beltran contends that he is entitled to compassionate release in light

* 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).

of the COVID-19 pandemic, his medical conditions, his prior infection with COVID-19, and the non-violent nature of his offense. The district court did not abuse its discretion by denying relief. *See United States v. Aruda*, 993 F.3d 797, 799 (9th Cir. 2021). In addition to observing that the Bureau of Prisons' COVID-19 action plan reduced the likelihood that Nunez-Beltran would be reinfected, the court reasonably concluded that compassionate release was unwarranted under the 18 U.S.C. § 3553(a) factors, including the substantial amount of time remaining on Nunez-Beltran's sentence and the seriousness of his underlying offense. *See United States v. Keller*, 2 F.4th 1278, 1284 (9th Cir. 2021).

AFFIRMED.