

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 23 2022

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 21-10257

Plaintiff-Appellee,

D.C. No. 1:14-cr-00576-DKW-1

v.

CURTIS K. WONG,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the District of Hawaii
Derrick Kahala Watson, District Judge, Presiding

Submitted March 16, 2022**

Before: SILVERMAN, MILLER, and BUMATAY, Circuit Judges.

Curtis K. Wong 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 the district court's decision for abuse of discretion, *see United States v. Aruda*, 993 F.3d 797, 799 (9th Cir. 2021),

* 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).

we affirm.

Contrary to Wong's arguments on appeal, it is not "unclear" whether the district court "placed improper weight" on U.S.S.G. § 1B1.13. The court acknowledged the holding in *Aruda* that § 1B1.13 is not an applicable policy statement for compassionate release motions filed by defendants. *See* 993 F.3d at 802. Moreover, it fully considered all of the arguments Wong asserted in support of his motion. Wong's suggestion that the court's decision may have been "tainted" by its two prior decisions denying compassionate release is unsupported by the record.

Furthermore, the district court did not abuse its discretion in concluding that the 18 U.S.C. § 3553(a) factors did not justify a reduction in Wong's sentence. Given Wong's extensive criminal history, limited employment history, the type and amount of drugs involved in his offense, and his role in the offense, it cannot be said that the court's decision was illogical, implausible, or without support in the record. *See United States v. Robertson*, 895 F.3d 1206, 1213 (9th Cir. 2018).

AFFIRMED.