

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 24 2022

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 21-30232

Plaintiff-Appellee,

D.C. No. 9:19-cr-00016-DWM-1

v.

MEMORANDUM*

JUDITH JOHANNA COSSETTE,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Montana
Donald W. Molloy, District Judge, Presiding

Submitted March 16, 2022**

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

Judith Johanna Cossette appeals from the district court's order denying her 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).

Cossette asserts that she is entitled to compassionate release in light of her vulnerability to COVID-19, amendments to the safety valve provision of 18 U.S.C. § 3553(f), and because she does not pose a danger to the community. She further contends that the district court failed to consider her arguments or explain adequately its decision to deny relief. The record reflects that the district court considered each of Cossette's arguments and sufficiently explained its determination that, though Cossette's medical conditions may constitute an extraordinary and compelling reason for release, release was nonetheless unwarranted in light of the 18 U.S.C. § 3553(a) sentencing factors, including the seriousness of the offense and her history of threatening violence. *See Chavez-Meza v. United States*, 138 S. Ct. 1959, 1965-67 (2018). The court did not abuse its discretion in reaching this conclusion. *See United States v. Keller*, 2 F.4th 1278, 1284 (9th Cir. 2021) (district court may deny compassionate release based on the § 3553(a) factors alone); *see also 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 without support in the record).

AFFIRMED.