

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 25 2022

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ZACHARY WAYNE JONES, AKA Zachary
W. Jones, AKA Kelodragon,

Defendant-Appellant.

No. 21-30166

D.C. No. 2:16-cr-00091-WFN-1

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Wm. Fremming Nielsen, District Judge, Presiding

Submitted March 16, 2022**

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

Zachary Wayne Jones 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. 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).

Jones contends that the district court overlooked several of his arguments for release, relied on clearly erroneous facts, inadequately explained its decision to deny the motion, and may have wrongly treated U.S.S.G. § 1B1.13 as binding. The record reflects, however, that the district court understood Jones's arguments and adequately explained why it believed Jones had not shown extraordinary and compelling reasons for compassionate release. *See Chavez-Meza v. United States*, 138 S. Ct. 1959, 1965-67 (2018). Moreover, the court did not rely on any clearly erroneous facts, and did not cite § 1B1.13 or otherwise indicate that it believed the Guideline constrained its analysis. In light of the reasons provided by the district court, it did not abuse its discretion by denying Jones's motion.

AFFIRMED.