

FILED

MAY 31 2022

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

GILBERTO MARTINEZ,

Defendant-Appellant.

No. 21-10324

D.C. No. 2:14-cr-00495-SRB-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Susan R. Bolton, District Judge, Presiding

Submitted May 17, 2022**

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

Gilberto Martinez appeals from the district court's order denying his motion for a sentence reduction under 18 U.S.C. § 3582(c)(1)(A)(i).¹ We have jurisdiction

* 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).

¹ The parties assume that *Anders v. California*, 386 U.S. 738 (1967), applies to 18 U.S.C. § 3582(c)(1) appeals. We need not reach that issue here because we conclude that the district court did not abuse its discretion in denying relief.

under 28 U.S.C. § 1291. Reviewing for abuse of discretion, *see United States v. Keller*, 2 F.4th 1278, 1281 (9th Cir. 2021), we affirm.

Contrary to the arguments raised in Martinez’s pro se briefs, the district court reasonably concluded that he had not shown extraordinary and compelling reasons for a sentence reduction and that the 18 U.S.C. § 3553(a) factors did not support relief. *See Keller*, 2 F.4th at 1284; *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 not supported by the record).

Counsel’s motion to withdraw is **GRANTED**.

AFFIRMED.