

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 1 2022

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

TROY STRATOS, AKA Troy David
Stafford,

Defendant-Appellant.

No. 21-10311

D.C. No. 2:11-cr-00537-TLN-AC-1

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Troy L. Nunley, District Judge, Presiding

Submitted May 17, 2022**

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

Troy Stratos appeals from the district court's order denying his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i) following this court's remand. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Stratos contends that the district court improperly ruled on his motion on

* 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).

remand without ordering supplemental briefing. He contends that the court's failure to invite supplemental briefing, despite its knowledge that he had recently developed a bladder tumor, reflects the court's bias against him. However, Stratos did not file or notify the district court of any intent to file supplemental briefing in the nearly two months between the issuance of this court's mandate and the district court's order. Moreover, the record does not support Stratos's claim of bias. Instead, the record reflects that the court impartially considered the 18 U.S.C. § 3553(a) factors and Stratos's various medical conditions, including his bladder tumor, and did not abuse its discretion in concluding that Stratos did not have extraordinary and compelling reasons for release and that release was unwarranted under the § 3553(a) factors. *See United States v. Keller*, 2 F.4th 1278, 1281, 1284 (9th Cir. 2021).

As the district court stated when it denied Stratos's motion for reconsideration, if Stratos has new medical evidence, he may file a renewed motion for compassionate release in the district court.

AFFIRMED.