

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 27 2023

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 22-30087

Plaintiff-Appellee,

D.C. No. 3:13-cr-00044-RRB-1

v.

MEMORANDUM*

ALAN M. BARTLETT,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Alaska
Ralph R. Beistline, District Judge, Presiding

Submitted January 18, 2023**

Before: GRABER, PAEZ, and NGUYEN, Circuit Judges.

Alan M. Bartlett 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. Keller*, 2 F.4th 1278, 1281 (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). Appellant's requests for oral argument are, therefore, denied.

Bartlett contends that he is entitled to compassionate release and that the district court erred by denying his motion without an evidentiary hearing. The district court reasonably concluded that (1) Bartlett failed to establish extraordinary and compelling reasons for release given his vaccination status and the medical care available in prison, and (2) relief was not warranted in light of Bartlett's history and characteristics, his refusal to accept responsibility for his past criminal conduct, and the need to protect the community. *See id.* at 1283-84; *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). Moreover, the court did not abuse its discretion by declining to hold an evidentiary hearing. *See United States v. Townsend*, 98 F.3d 510, 513 (9th Cir. 1996). Finally, Bartlett's assertions that various aspects of his proceedings were "fake" or fraudulent are unavailing.

Appellant is informed that the docket is correct.

All pending motions are denied.

AFFIRMED.