

NOT FOR PUBLICATION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. 22-50090

Plaintiff-Appellee,

D.C. No. 8:18-cr-00033-JLS-1

v.

JESUS ANGEL LOPEZ,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the Central District of California
Josephine L. Staton, District Judge, Presiding

Submitted January 18, 2023**

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

Jesus Angel Lopez 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, and we affirm.

Lopez argues that the district court erred by improperly treating U.S.S.G.

* 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).

§ 1B1.13 as binding, violating the party presentation principle, and failing to consider all of his arguments in favor of release. The district court did not abuse its discretion in denying relief. *See United States v. Keller*, 2 F.4th 1278, 1281 (9th Cir. 2021) (stating standard of review). The record demonstrates that the court repeatedly acknowledged that it was not bound by U.S.S.G. § 1B1.13 and properly treated that Guideline as advisory. *See United States v. Aruda*, 993 F.3d 797, 802 (9th Cir. 2021). Further, contrary to Lopez’s contention, the district court did not violate the party presentation principle by deciding his motion without input from the government. Rather, the court appropriately acted as a “neutral arbiter of matters” presented in Lopez’s motion. *See United States v. Sineneng-Smith*, 140 S. Ct. 1575, 1579 (2020) (internal quotation marks omitted) (explaining the party presentation principle). Finally, the record reflects that the court considered each of Lopez’s arguments and sufficiently explained its decision. *See Chavez-Meza v. United States*, 138 S. Ct. 1959, 1965-68 (2018).

AFFIRMED.