

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 22 2023

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 23-30015

Plaintiff-Appellee,

D.C. No. 4:15-cr-00091-BMM-1

v.

MEMORANDUM*

ADRIAN YOUNG,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Montana
Brian Morris, District Judge, Presiding

Submitted August 15, 2023**

Before: TASHIMA, S.R. THOMAS, and FORREST, Circuit Judges.

Adrian Young appeals 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).

Young contends he is entitled to compassionate release, and that in concluding otherwise the district court improperly relied on U.S.S.G. § 1B1.13 and failed to explain its decision adequately. The record does not support these claims.

The district court applied the correct legal standard, explaining that § 1B1.13 provided “helpful guidance” that did not limit its discretion. *See Aruda*, 993 F.3d at 802. It also adequately explained why it was not persuaded that any of Young’s asserted extraordinary and compelling reasons provided a basis for compassionate release. *See United States v. Wright*, 46 F.4th 938, 948-50 (9th Cir. 2022).

Finally, contrary to Young’s claim, the court correctly concluded that his arguments based on his family circumstances were unsupported. It did not abuse its discretion in concluding that these arguments, even taken “at face-value,” did not warrant release. *See United States v. Robertson*, 895 F.3d 1206, 1213 (9th Cir. 2018) (district court abuses its discretion if its decision is illogical, implausible, or without support in the record).

Because the district court did not abuse its discretion in concluding that Young lacked extraordinary and compelling circumstances for release, we do not reach Young’s claim that the district court improperly weighed the 18 U.S.C. § 3553(a) factors. *See United States v. Keller*, 2 F.4th 1278, 1284 (9th Cir. 2021).

AFFIRMED.