

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 1 2024

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

D'ANGELO DOMINICO DAVIS, AKA
Deangelo Domingo Davis,

Defendant - Appellant.

No. 23-917

D.C. No.

2:98-cr-00114-KJM-AC-1

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Kimberly J. Mueller, District Judge, Presiding

Submitted April 22, 2024**

Before: CALLAHAN, LEE, and FORREST, Circuit Judges.

D'Angelo Dominico Davis appeals pro se from the district court's order denying his third 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

* 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).

abuse of discretion, *see United States v. Keller*, 2 F.4th 1278, 1281 (9th Cir. 2021), we affirm.

Davis does not dispute the government’s assertion that his appeal is untimely. Even if the appeal were timely, however, Davis has not shown any error in the district court’s conclusion that the 18 U.S.C. § 3553(a) sentencing factors—including the nature of Davis’s offense and his violent criminal history, prison disciplinary record, inadequate release plan, and continued danger to the community—did not support compassionate release. As the district court explained, none of the circumstances bearing on compassionate release had changed since the court’s previous denials, other than Davis’s new prison disciplinary infractions. On this record, we find no abuse of discretion by the district court. *See Keller*, 2 F.4th 1284.

AFFIRMED.