

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 24 2024

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DON ARTHUR WEBSTER, Jr., AKA Jerry  
Starr, AKA Daddy,

Defendant - Appellant.

No. 24-2033

D.C. No. 3:06-cr-00096-SLG -1

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Alaska  
Sharon L. Gleason, District Judge, Presiding

Submitted December 17, 2024\*\*

Before: WALLACE, GRABER, and BUMATAY, Circuit Judges.

Don Arthur Webster, Jr. appeals from the district court's order denying his third motion for a sentence reduction under 18 U.S.C. § 3582(c)(1)(A). We have jurisdiction under 28 U.S.C § 1291. Reviewing for abuse of discretion, *United*

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\* 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).

*States v. Wright*, 46 F.4th 938, 944 (9th Cir. 2022), we affirm.

Webster contends that, in concluding the 18 U.S.C. § 3553(a) factors did not support compassionate release, “[t]he district court abused its discretion by ignoring the growth, change, and punishment Webster has undergone over the past 20 years of imprisonment.” This assertion is not supported by the record, which shows that the court considered all of these factors, as well as Webster’s age, deteriorating health, and staffing issues at his prison. The court nevertheless concluded that the § 3553(a) factors—particularly “the severe nature” of Webster’s offense conduct and the need to promote respect for the law, afford adequate deterrence, protect the public, and provide just punishment—counseled against release. Contrary to Webster’s argument, the court was not required to “tick off” each of the other § 3553(a) factors, *see United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc), and Webster’s disagreement with how the court weighed the factors is insufficient to show an abuse of discretion. *See Wright*, 46 F.4th at 948; *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 without support in the record).

**AFFIRMED.**