

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 26 2024

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHN BRENDAN DAILEY,

Defendant - Appellant.

No. 24-4110

D.C. No.

4:22-cr-00022-BMM-1

MEMORANDUM*

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

Submitted December 17, 2024**

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

John Brendan Dailey appeals from the district court's order denying his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A). We have jurisdiction under 28 U.S.C. § 1291. Reviewing for abuse of discretion, *see United States v. Wright*, 46 F.4th 938, 944 (9th Cir. 2022), 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)*.

Dailey contends that the district court abused its discretion in concluding that his medical conditions and family circumstances were not extraordinary and compelling reasons for relief. However, the record reflects that the court fully considered each of Dailey's arguments and reasonably concluded that, even in combination, his circumstances did not rise to the level of extraordinary and compelling under U.S.S.G. § 1B1.13. The court did not abuse its discretion. *See United States v. Robertson*, 895 F.3d 1206, 1213 (9th Cir. 2018) (a district court abuses its discretion only if its decision is illogical, implausible, or without support in the record).

Dailey also contends that the district court erred by failing to consider or address the 18 U.S.C. § 3553(a) sentencing factors. This argument fails because where, as here, a district court concludes that a defendant does not have extraordinary and compelling reasons for release, it need not reach the § 3553 factors. *See United States v. Keller*, 2 F.4th 1278, 1284 (9th Cir. 2021) (“[A] district court that properly *denies* compassionate release need not evaluate each step.”).

AFFIRMED.