

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 25 2025

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANGELA POGOSOV AVETISYAN, AKA
Angela Khamtrashyan,

Defendant - Appellant.

No. 24-5260

D.C. No. 2:14-cr-00329-ODW-2

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Otis D. Wright, II, District Judge, Presiding

Submitted April 22, 2025**

Before: GRABER, H.A. THOMAS, and JOHNSTONE, Circuit Judges.

Angela Pogosov Avetisyan appeals pro se from the district court's order denying her motion for a sentence reduction under 18 U.S.C. § 3582(c)(2). We

* 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).

have jurisdiction under 28 U.S.C. § 1291,¹ and we affirm.

Avetisyan contends that the district court erred by denying her motion because her extensive rehabilitation supported a sentence reduction. As the government argues, however, Avetisyan was ineligible for a reduction because she received a criminal history point at her initial sentencing. *See* U.S.S.G. § 4C1.1(a)(1). Thus, notwithstanding her purported rehabilitation, Avetisyan was ineligible for relief. *See* U.S.S.G. § 1B1.10(a)(2)(B); *Dillon v. United States*, 560 U.S. 817, 826-27 (2010); *see also United States v. Nichols*, 464 F.3d 1117, 1122 (9th Cir. 2006) (this court may affirm on any ground supported by the record).

Avetisyan's remaining claims are unsupported by the record or beyond the scope of this appeal. *See Dillon*, 560 U.S. at 831 (sentencing issues unrelated to the guideline amendment are outside the scope of a § 3582(c)(2) proceeding).

AFFIRMED.

¹ Avetisyan's prison term was commuted in December 2024. The parties agree that the commutation did not moot this appeal. *See United States v. D.M.*, 869 F.3d 1133, 1137-38 (9th Cir. 2017) (holding that an appeal from the denial of a sentence reduction motion was not moot because the district court could modify defendant's supervised release term).