

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 26 2025

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMES CHARLES RIVERA,

Defendant - Appellant.

No. 24-4701

D.C. No.

3:21-cr-03382-AJB-1

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Anthony J. Battaglia, District Judge, Presiding

Submitted June 18, 2025**

Before: CANBY, S.R. THOMAS, and SUNG, Circuit Judges.

James Charles Rivera appeals pro se from the district court's order denying his motion for a sentence reduction under 18 U.S.C. § 3582(c)(2). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Rivera contends that the district court incorrectly concluded he was

* 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).

ineligible for a sentence reduction. He argues that ineligibility under U.S.S.G. § 4C1.1(a)(10)¹ is established only when a defendant both received an adjustment under U.S.S.G. § 3B1.1 and engaged in a continuing criminal enterprise, and he did not meet the latter criterion. This argument is foreclosed by *United States v. Gonzalez-Loera*, 135 F.4th 856, 857 (9th Cir. 2025) (“[W]e hold that [U.S.S.G. § 4C1.1(a)(10)] contains two distinct requirements, and a defendant must satisfy both to obtain relief. Thus, a defendant is ineligible for relief under § 4C1.1 if he *either* received an adjustment under § 3B1.1 *or* engaged in a continuing criminal enterprise.”). Because there is no dispute that Rivera received an adjustment under U.S.S.G. § 3B1.1, the district court correctly determined he was ineligible for a sentence reduction. *See Gonzalez-Loera*, 135 F.4th at 861.

AFFIRMED.

¹ The United States Sentencing Commission amended § 4C1.1, effective November 1, 2024, after the district court denied Rivera’s motion. Rivera relies on the version in effect at the time his motion was filed and decided.