

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 19 2026

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Appellee,

v.

JESUS ERIC CARASCO,

Appellant.

No. 25-2010

D.C. No.

8:19-cr-00169-JVS-1

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
James V. Selna, District Judge, Presiding

Submitted March 16, 2026\*\*

Before: SILVERMAN, NGUYEN, and HURWITZ, Circuit Judges.

Jesus Eric Carasco appeals pro se from the district court's order denying his motion for a new trial under Federal Rule of Criminal Procedure 33. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Carasco contends that, after trial, the government disclosed a video

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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).

recording that would have discredited testimony by law enforcement that Carasco confessed after being read his *Miranda* rights. Even if this evidence was newly discovered, it was merely impeaching and it does not indicate that a new trial would probably result in acquittal. *See United States v. Harrington*, 410 F.3d 598, 601 (9th Cir. 2005) (setting forth five-part test that defendant must satisfy to prevail on a Rule 33 motion). Accordingly, the district court did not abuse its discretion in denying relief. *See United States v. Hinkson*, 585 F.3d 1247, 1259 (9th Cir. 2009) (en banc).

We do not consider claims raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

The motion for bail pending appeal is denied as moot. All other pending motions are denied.

**AFFIRMED.**