

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 23 2026

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROCKY DELGADO MARQUEZ, AKA  
Rocky Marquez,

Defendant - Appellant.

No. 25-3128

D.C. No.

2:12-cr-00906-DGC-1

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
David G. Campbell, District Judge, Presiding

Submitted March 16, 2026\*\*

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

Rocky Delgado Marquez appeals pro se from the district court's order denying his motions 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,

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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).

*see United States v. Keller*, 2 F.4th 1278, 1281 (9th Cir. 2021), we affirm.

Marquez contends he established extraordinary and compelling reasons for release and asserts the district court erred by failing to consider his circumstances in the aggregate. We need not address the district court's determination that Marquez lacked extraordinary and compelling circumstances because he has not shown any abuse of discretion in the district court's independent conclusion that the 18 U.S.C. § 3553(a) factors did not support relief. *See United States v. Wright*, 46 F.4th 938, 948 (9th Cir. 2022) (any error in assessing extraordinary and compelling circumstances is harmless if the district court properly relies on the § 3553 factors as an alternate basis to deny relief). The district court reasonably concluded that a reduction in Marquez's sentence would not reflect the serious nature of his offense, promote respect for the law, or provide adequate deterrence, and would result in sentencing disparities. *See Keller*, 2 F.4th at 1284; *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 not supported by the record).

Marquez's motion to appoint counsel is denied.

**AFFIRMED.**