

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 24 2026

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

URIEL JOSE ORTEGA, AKA Yuriel Jose
Ortega,

Defendant - Appellant.

No. 25-6938

D.C. No.

4:14-cr-00255-BLW-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Idaho
B. Lynn Winmill, District Judge, Presiding

Submitted September 22, 2026**

Before: OWENS, COLLINS, and SUNG, Circuit Judges.

Uriel Jose Ortega 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.*

* 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).

Wright, 46 F.4th 938, 944 (9th Cir. 2022), we affirm.

Ortega contends that the district court abused its discretion by applying the amended version of U.S.S.G. § 1B1.13 that was in effect when his motion was decided, rather than the pre-amendment version that was in effect when he first filed his compassionate release motion. We need not decide this issue because, as the district court stated and the record shows, the court's decision would have been the same under either version of the guideline. Moreover, even if the district court erred in its application of § 1B1.13, that error was harmless in light of the court's independent holding that the 18 U.S.C. § 3553(a) factors did not support relief. *See Wright*, 46 F.4th at 947-48. Although Ortega asserts that his characteristics, background, and other mitigating circumstances support compassionate release, the district court did not abuse its discretion in concluding that those factors “do not outweigh the gravity of the underlying conduct or the continuing need for just punishment.” Although Ortega “may take issue with the balance the court struck, mere disagreement with the weight of these factors does not amount to an abuse of discretion.” *Id.* at 948 (internal quotation marks omitted).

AFFIRMED.