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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

AARON ASHCRAFT,

Defendant.

CASE NO. 2:22-CR-00087-KJM

UNITED STATES' OPPOSITION TO
DEFENDANT'S MOTION FOR
RECONSIDERATION

I. INTRODUCTION

The United States opposes Aaron Ashcraft's *pro se* motion for reconsideration of this Court's denial of his compassionate release motion. ECF No. 46. The records Ashcraft provides to support his motion do not establish that "extraordinary and compelling" reasons warrant compassionate release. Even if Ashcraft could establish such reasons exist, the factors in 18 U.S.C. § 3553(a) weigh heavily against granting Ashcraft's motion. Consequently, and for the reasons given in the United States' opposition to Ashcraft's initial motion, ECF 41 ("Government's Opposition"), and those that follow, this Court should deny Ashcraft's reconsideration motion.

II. BACKGROUND

A. Relevant Procedural History

On December 4, 2023, Ashcraft filed a motion for compassionate release based on family

1 circumstances, claiming that his adult son is incapable of self-care and he is the only available caregiver.
2 ECF 35. On February 9, 2024, this Court denied Ashcraft's motion, holding that, "[b]ecause defendant
3 does not show 1) his child in incapable of self-care, and 2) his son's caregiver has died or is
4 incapacitated, he has not demonstrated extraordinary and compelling reasons warrant compassionate
5 release." ECF 44 at 4. Since it found that Ashcraft failed to establish extraordinary and compelling
6 reasons justifying release, this Court did not address the sentencing factors under § 3553(a). *Id.* This
7 Court's denial of Ashcraft's motion was without prejudice to renewal with supporting evidence. *Id.*

8 **B. Incarceration and Projected Release Date**

9 This Court initially sentenced Ashcraft to 41 months' imprisonment. ECF 24 at 2. On January
10 10, 2024, this Court reduced his sentence to 33 months based on the zero-point offender amendment.
11 ECF 40. Ashcraft's projected release date now is now January 7, 2026. Ex. 1. Ashcraft has served
12 approximately seven months of his reduced sentence.

13 **III. ARGUMENT**

14 In his reconsideration motion, Ashcraft maintains that his son cannot care for himself and claims
15 the only available caregiver is his wife, not his son's mother or any other family member, and that she is
16 mentally incapacitated and unable to care for herself. ECF 46 at 2. Ashcraft provides several pages of
17 medical records to support his motion. Those records do not establish that extraordinary and compelling
18 reasons justify his release.

19 While the medical records confirm Ashcraft's son's new diagnosis, they do not provide specific
20 information about his son's needs. Regardless, those records do not support a finding that his son's
21 mother is incapacitated. Rather, they provide support for his claims related to his wife. Consequently, as
22 was true at the time this Court denied Ashcraft's initial motion, this "[C]ourt has no firm basis on which
23 to conclude D.A.'s mother is incapacitated." ECF 44 at 3.

24 This Court also should deny Ashcraft's motion on the independent ground that his requested
25 relief is not warranted on consideration of the § 3553(a) factors. Based on the reasons provided in the
26 Government's Opposition, as well as those contained in the government's sentencing memorandum,
27 ECF 21 at 2-3, releasing Ashcraft now, after he has served only approximately 23% of his reduced
28 sentence, would undermine the objectives of sentencing.

IV. CONCLUSION

For the foregoing reasons, this Court should deny Ashcraft's reconsideration motion.

Dated: April 17, 2024

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By: 

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CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that he/she is an employee in the Office of the United States Attorney for the Eastern District of California and is a person of such age and discretion to be competent to serve papers. That on April 17, 2024, a copy of the GOVERNMENT'S OPPOSITION was served by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place(s) and address(es) stated below, which is/are the last known address(es), and by depositing said envelope and contents in the United States Mail at Sacramento, California. Addressee(s): **Aaron Ashcraft #00025-510, FCI-Sheridan, P.O. Box 6000, Sheridan, OR 97378.**

/s/ C. Buxbaum
C. BUXBAUM