

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

United States of America,

Plaintiff,

v.

Aaron Ashcraft,

Defendant.

No. 2:22-cr-00087-KJM

ORDER

On February 9, 2024, this court denied defendant Aaron Ashcraft's motion for compassionate release. Prior Order, ECF No. 44. The court found defendant did not show 1) his adult son was incapable of self-care and 2) his son's caregiver has passed away or has been otherwise incapacitated. *Id.* at 3. The court therefore found defendant did not demonstrate extraordinary and compelling reasons to warrant compassionate release and did not reach the 18 U.S.C. § 3553(a) sentencing factors. *Id.* at 4. Defendant now moves for reconsideration of the court's prior order. *See* Mot., ECF No. 46. The government opposes. Opp'n, ECF No. 49. The motion is **denied**.

Although the Federal Rules of Criminal Procedure do not expressly authorize motions for reconsideration, the Ninth Circuit allows parties to file post-judgment motions for reconsideration in criminal cases. *United States v. Martin*, 226 F.3d 1042, 1047 n.7 (9th Cir. 2000). "No precise 'rule' governs the district court's inherent power to grant or deny a motion to reconsider a prior

1 ruling in a criminal proceeding.” *United States v. Lopez-Cruz*, 730 F.3d 803, 811 (9th Cir. 2013).
 2 It is instead a matter of discretion. *Id.*

3 Under this District’s Local Rules, a motion for reconsideration must identify “what new or
 4 different facts or circumstances are claimed to exist that did not exist or were not shown upon
 5 such prior motion or what other grounds exist for the motion.” See E.D. Cal. L.R. 430.1(i). “But
 6 as is true of motions for reconsideration in civil cases, motions for reconsideration in criminal
 7 cases are almost always denied when they rest on arguments or evidence the moving party
 8 previously raised or could have raised and denial would not cause manifest injustice.” *United*
 9 *States v. Davis*, No. 98-00114, 2021 WL 1122574, at *2 (E.D. Cal. Mar. 24, 2021), *aff’d*,
 10 No. 21-10094, 2022 WL 1090945 (9th Cir. Apr. 12, 2022).

11 Reconsideration is not warranted here. There are no new facts or circumstances that did
 12 not exist at the time of the original motion, nor changes in controlling law. Rather, defendant
 13 provides additional evidence to support his initial motion for compassionate release. Defendant
 14 may not supplement his prior motion after this court has already ruled on the motion. See *Cachil*
 15 *Dehe Band of Wintun Indians of Colusa Indian Cmty. v. California*, 649 F. Supp. 2d 1063, 1069
 16 (E.D. Cal. 2009) (“[P]arty may not use a motion for reconsideration to . . . present new evidence
 17 for the first time when it could reasonably have been raised earlier in the litigation.”); *cf. Frietsch*
 18 *v. Refco, Inc.*, 56 F.3d 825, 828 (7th Cir. 1995) (“It is not the purpose of allowing motions for
 19 reconsideration to enable a party to complete presenting his case after the court has ruled against
 20 him.”). Accordingly, the motion is **denied**.

21 Defendant may, however, raise a renewed motion for compassionate release if he is able
 22 to, based on the following information. In his renewed motion defendant must address:
 23 1) whether he has exhausted administrative remedies, 2) what extraordinary and compelling
 24 reasons exist to warrant the requested reduction, and 3) whether the 18 U.S.C. § 3553(a)
 25 sentencing factors weigh in favor of release. See 18 U.S.C. § 3582(c)(1).

26 To the extent defendant relies on the same family circumstances to show extraordinary
 27 and compelling reasons, defendant must be able to show his adult son is “incapable of self-care
 28 because of a mental or physical disability or a medical condition.” See U.S.S.G.

1 § 1B1.13(b)(3)(A). Although defendant attached his son's medical records to his most recent
2 motion, the court is unable to determine whether his son is incapable of self-care just from these
3 records. *See* Mot. Attach. A. For example, the medical records show his son's diagnosis and the
4 treatments he has received. *Id.* However, they do not show what kind of care his son needs and
5 whether his conditions are such that he is unable to care for himself. *See id.*

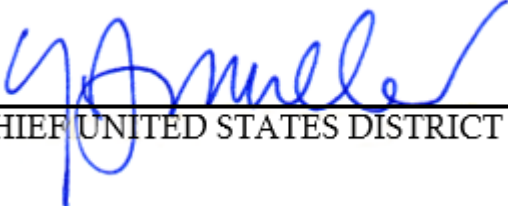
6 Moreover, defendant must be able to also show "death or incapacitation" of his son's
7 caregiver. *See* U.S.S.G. § 1B1.13(b)(3)(A). Defendant argues his son's only available caretaker
8 is mentally incapacitated and attaches documents he says support this argument. *See* Mot. at 2;
9 Mot. Attach. B. However, attachment B is blurry and illegible. Additionally, it is unclear
10 whether defendant's spouse is the son's current caregiver, or if not, who is.

11 Defendant may file a renewed motion for compassionate release addressing these issues
12 within 30 days of receiving this order. The government's response shall be filed twenty-one days
13 thereafter. Defendant's reply, if any, shall be filed within fourteen days of receiving any
14 government response.

15 This order resolves ECF No. 46.

16 IT IS SO ORDERED.

17 DATED: April 30, 2024.



CHIEF UNITED STATES DISTRICT JUDGE