United States District Court
Northern District of California

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

OZKAR,

Defendant.

Case No. 21-cr-00144-CRB-1

ORDER DENYING MOTION TO REDUCE SENTENCE

Defendant Ezter Oskar pleaded guilty to making a false statement to a financial institution in violation of 18 U.S.C. § 1014. On December 15, 2021, the Court sentenced him to 12 months in custody of the Bureau of Prisons (BOP). See Minute Order (dkt. 24); Judgment (dkt. 25). On January 26, 2022, Oskar moved for a reduced sentence, arguing that his recent diagnosis of diabetes and high cholesterol constituted a "extraordinary and compelling reason" under 18 U.S.C. § 3582(c)(1)(A). Mot. (dkt. 37) at 2.

The Court DENIES the motion because Oskar is not yet in custody. The Ninth Circuit recently parsed the text of Section 3582 and held that "compassionate relief is not available to defendants prior to incarceration." United States v. Fower, No. 21-50007, __ F.4d __ (9th Cir. April 4, 2022). The Court need not reach whether Oskar's circumstances would otherwise qualify him for compassionate relief.

IT IS SO ORDERED.

Dated: April 4, 2022

CHARLES R. BREYER
United States District Judge