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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. MICHAEL WAYNE NORTHCUTT, Defendant - Appellant.	No. 26-980 D.C. No. 1:96-cr-05067-JLT-1 MEMORANDUM*

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. MICHAEL WAYNE NORTHCUTT, Defendant - Appellant.	No. 26-1006 D.C. No. 1:97-cr-05033-JLT-1

Appeal from the United States District Court
for the Eastern District of California
Jennifer L. Thurston, District Judge, Presiding

Submitted October 27, 2026**

* 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).

Before: SILVERMAN, FORREST, and VANDYKE, Circuit Judges.

In these consolidated appeals, Michael Wayne Northcutt appeals pro se 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. Wright*, 46 F.4th 938, 944 (9th Cir. 2022), we affirm.

Contrary to Northcutt's argument, the district court did not abuse its discretion in determining that he lacked extraordinary and compelling circumstances. "Congress's nonretroactive change to [18 U.S.C.] § 924(c)—considered by itself or in combination with other factors—cannot make a prisoner eligible for compassionate release." *Rutherford v. United States*, 146 S. Ct. 1320, 1335 (2026). Moreover, the record supports the court's conclusion that Northcutt failed to show that his medical care was so inadequate as to constitute an extraordinary and compelling circumstance. *See* U.S.S.G. § 1B1.13(b)(1). Finally, we do not reach Northcutt's contention that the district court misapplied Eastern District Local Rule 182 because the court considered Northcutt's pro se filings.

In any event, any error in the district court's extraordinary and compelling analysis 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 Northcutt asserts that his mitigating circumstances support compassionate release,

the district court did not abuse its discretion in concluding that the violent nature of Northcutt's offenses, together with his record of misconduct while incarcerated, weighed against relief. *See id.*at 948.

The government's motion for judicial notice is granted.

AFFIRMED.