NOT FOR PUBLICATION

FILED

NOV 3 2026

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. CLIFFORD MARCUS WINKLES, Defendant - Appellant.	No. 25-6905 D.C. No. 2:00-cr-00359-RGK-2 MEMORANDUM[*]

Appeal from the United States District Court
for the Central District of California
R. Gary Klausner, District Judge, Presiding

Submitted October 27, 2026[**]

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

Clifford Marcus Winkles appeals pro se from the district court's order denying his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Winkles contends that the district court erred by denying his motion for lack

[*] 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).

of exhaustion.[1] This argument is unavailing. Though Winkles filed a request with the warden after he filed his motion, that request was too late. *See* 18 U.S.C. § 3582(c)(1)(A) (a defendant may file a motion for compassionate release in the district court "after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility"); *United States v. Keller*, 2 F.4th 1278, 1283 (9th Cir. 2021) (a defendant must exhaust before filing a compassionate release motion in the district court and must do so anew for each compassionate release motion).

Moreover, even if it had been timely, Winkles did not exhaust his administrative remedies with respect to the warden's denial. *See United States v. Wright*, 46 F.4th 938, 945 n.3 (9th Cir. 2022). Because the government properly invoked exhaustion and Winkles's challenges to the exhaustion requirement are not supported by the record or the law, the district court properly denied Winkles's motion for failure to exhaust. *See Keller*, 2 F.4th at 1282 (holding that "§ 3582(c)(1)(A)'s administrative exhaustion requirement is mandatory and must be enforced when properly raised by the government").

Winkles's pending motions are denied.

AFFIRMED.

[1] Winkles's reply brief was received and considered by the court.