

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 12-12416
Non-Argument Calendar

D.C. Docket No. 4:04-cr-00322-RDP-TMP-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JEREMY LAMAR HARRIS,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Alabama

(August 30, 2012)

Before BARKETT, MARCUS and JORDAN, Circuit Judges.

PER CURIAM:

Jeremy Lamar Harris, proceeding *pro se*, appeals the district court's denial

of his motion under 18 U.S.C. § 3582(c)(2) to reduce his sentence. Harris pled guilty to conspiring to distribute and possess with intent to distribute 50 grams or more of cocaine base, in violation of 21 U.S.C. §§ 841(a)(1) and 846, distributing and possessing with intent to distribute 5 grams or more of cocaine base, in violation of § 841(a)(1), conspiring to commit money laundering, in violation of 18 U.S.C. § 1956(h), and 9 counts of money laundering, in violation of § 1956(a)(1)(B)(i). His drug offenses involved at least 1.5 kilograms of cocaine base.

The district court calculated a guidelines range of life imprisonment because Harris was subject to a statutorily-mandated sentence of life imprisonment based upon his prior convictions for two felony drug offenses. After granting a downward departure for Harris's substantial assistance, the district court calculated a guidelines range of 235 to 293 months' imprisonment, and sentenced Harris to a total sentence of 240 months' imprisonment. Harris subsequently filed a § 3582(c)(2) motion to reduce his sentence based upon Amendment 750 to the Sentencing Guidelines and the Fair Sentencing Act of 2010 ("FSA").

Because Harris's guidelines range of life imprisonment was based upon the statutorily-mandated sentence of life imprisonment to which he was subject, Amendment 750 did not affect his applicable guidelines range. Moreover, even

assuming that the FSA applies to defendants who, like Harris, were sentenced before its enactment, Harris remains subject to a statutorily-mandated sentence of life imprisonment and an identical guidelines range. Harris was, therefore, ineligible for a sentence reduction.

AFFIRMED.