

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with
Fed. R. App. P. 32.1

United States Court of Appeals

**For the Seventh Circuit
Chicago, Illinois 60604**

Submitted February 9, 2009

Decided February 19, 2009

Before

WILLIAM J. BAUER, *Circuit Judge*

RICHARD A. POSNER, *Circuit Judge*

KENNETH F. RIPPLE, *Circuit Judge*

No. 08-3610

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

CHARLES WOODS,
Defendant-Appellant.

Appeal from the United States District
Court for the Central District of Illinois.

No. 1:00-cr-10089-MMM-JAG-1

Michael M. Mihm,
Judge.

ORDER

This court has carefully reviewed the final order of the district court, the record on appeal, and the briefs filed by the parties. Based on this review, the court has determined that this case raises the purely legal issue of whether a district court, when considering a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2), has the authority to reduce a defendant's sentence below the retroactively amended Guidelines range based on *Booker*. For the reasons recently articulated in *United States v. Cunningham*, Nos. 08-2901 and 08-2931, 2009 WL 249886 (7th Cir. Feb. 4, 2009), we hold that it does not.

Accordingly, IT IS ORDERED that the order of the district court is summarily AFFIRMED.