

NONPRECEDENTIAL DISPOSITION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

August 17, 2012

*Before*

ILANA DIAMOND ROVNER, *Circuit Judge*

DIANE P. WOOD, *Circuit Judge*

TERENCE T. EVANS, *Circuit Judge*\*

No. 10-3719

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

*v.*

DEREK GRIFFIN,  
*Defendant-Appellant.*

] Appeal from the United States District  
] Court for the Central District of Illinois.  
]  
] No. 10 CR 10019  
]  
] Joe Billy McDade,  
] *Judge.*

## ORDER

Derek Griffin pleaded guilty to possessing with the intent to distribute five grams or more of crack cocaine, *see* 21 U.S.C. § 841(a)(1), and he was sentenced to a prison term of 120 months, the statutory minimum term required at the time Griffin committed the offense, *see* § 841(b)(1)(B)(iii) (2009). The district court rejected Griffin's contention that he should be sentenced pursuant to the Fair Sentencing Act of 2010, 124 Stat. 2372 ("FSA"),

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\* Circuit Judge Evans died on August 10, 2011, and did not participate in the decision of this case on remand from the Supreme Court. The case is now being resolved by a quorum of the panel under 28 U.S.C. § 46(d).