

United States Court of Appeals
For the Eighth Circuit

No. 12-3768

United States of America

Plaintiff - Appellee

v.

Jermaine J. Arrington

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: July 16, 2013

Filed: July 18, 2013

[Unpublished]

Before WOLLMAN, GRUENDER, and BENTON, Circuit Judges.

PER CURIAM.

Jermaine Arrington appeals the district court's¹ denial of his 18 U.S.C. § 3582(c)(2) sentence-reduction motion based on the Fair Sentencing Act of 2010

¹The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.

(FSA). We conclude that Arrington was not entitled to a reduction, as his Guidelines sentencing range was calculated based on his unlawful possession of a firearm, see U.S.S.G. § 2K2.1, which was not affected by any provision of the FSA. See 18 U.S.C. § 3582(c)(2) (court may reduce prison term of defendant who has been sentenced based on sentencing range that has subsequently been lowered by Sentencing Commission); United States v. Tolliver, 570 F.3d 1062, 1066-67 (8th Cir. 2009) (§ 3582(c)(2) allows sentence reduction only when amendment lowers applicable Guidelines range).

Accordingly, the judgment is affirmed. Counsel's motion to withdraw is granted.
