

United States Court of Appeals  
For the Eighth Circuit

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No. 17-1200

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United States of America

*Plaintiff - Appellee*

v.

Rodney D. Brown, also known as Rod

*Defendant - Appellant*

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Appeal from United States District Court  
for the Eastern District of Arkansas - Little Rock

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Submitted: August 30, 2017

Filed: September 1, 2017

[Unpublished]

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Before LOKEN, GRUENDER, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Federal inmate Rodney Brown appeals the district court's<sup>1</sup> dismissal of his pro se motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2). Upon careful

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<sup>1</sup>The Honorable Brian S. Miller, Chief Judge, United States District Court for the Eastern District of Arkansas.

de novo review, see United States v. Long, 757 F.3d 762, 763 (8th Cir. 2014) (standard of review), we conclude that dismissal was proper because Brown was sentenced based on a binding plea agreement that included a base offense level and drug quantity, but did not include a criminal history level or Guidelines range, and thus was not expressly based on a Guidelines range that was subsequently lowered by the Sentencing Commission, see Freeman v. United States, 131 S. Ct. 2685, 2695-700 (2011) (Sotomayor, J., concurring); Long, 757 F.3d at 764.

Accordingly, we affirm. See 8th Cir. R. 47B.

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