

OCT 12 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>RICARDO CRUZAGOSTO,</p> <p>Defendant - Appellant.</p>
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No. 08-30474

D.C. No. 3:02-cr-00100-HRH

MEMORANDUM*

Appeal from the United States District Court
for the District of Alaska
H. Russel Holland, Senior District Judge, Presiding

Submitted September 13, 2010**

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Ricardo Cruzagosto appeals from the district court's order denying his 18 U.S.C. § 3582(c)(2) motion for sentence reduction. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Cruzagosto contends that the district court erred when it failed to lower his

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

sentence pursuant to 18 U.S.C. § 3582(c)(2) following the United States Sentencing Commission's adoption of Amendment 706. We affirm in light of *Dillon v. United States*, 130 S. Ct. 2683 (2010).

AFFIRMED.