

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 21 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

No. 16-50370

Plaintiff-Appellee,

D.C. No. 3:11-cr-01926-H

v.

MEMORANDUM*

RODRIGO COLMENARES Y SANCHEZ-
SOTO,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of California
Marilyn L. Huff, District Judge, Presiding

Submitted December 18, 2017**

Before: WALLACE, SILVERMAN, and BYBEE, Circuit Judges.

Rodrigo Colmenares Y Sanchez-Soto appeals pro se from the district court's order denying his motion for a sentence reduction under 18 U.S.C. § 3582(c)(2).

We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Sanchez-Soto contends that he is entitled to a sentence reduction under

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

Amendment 782 to the Sentencing Guidelines. We review de novo whether a district court had authority to modify a sentence under section 3582(c)(2). *See United States v. Leniear*, 574 F.3d 668, 672 (9th Cir. 2009). Given the quantity of drugs involved in Sanchez-Soto's offense, Amendment 782 did not lower his sentencing range. *See* U.S.S.G. § 2D1.1(c)(1) (2014). Therefore, a reduction is not authorized under section 3582(c)(2). *See* U.S.S.G. § 1B1.10(a)(2)(B) (2014); *United States v. Mercado-Moreno*, 869 F.3d 942, 948-49 (9th Cir. 2017).

AFFIRMED.