

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

November 4, 2010

Lyle W. Cayce
Clerk

No. 08-10329

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

EDGAR JOE COFER, III, also known as Little Joe,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:02-CR-94-1

Before KING, BENAVIDES and ELROD, Circuit Judges.

PER CURIAM:*

Edgar Joe Cofer, III, federal prisoner # 28746-177, pleaded guilty to one count of conspiring to distribute and to possess with intent to distribute more than five kilograms of cocaine with intent to manufacture, distribute, and possess with intent to distribute more than 50 grams of crack; he is serving a 240-month prison sentence. Before this court is Cofer's appeal of the district court's order denying his motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2). Cofer contends that the district court erred by denying his motion

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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based on its conclusion that he posed a threat to public safety, as evidenced by the enhancement he received to his base offense level due to his leadership role. In addition, he contends that a reduction in sentence was merited because he has behaved well in prison and availed himself of programs offered there.

These arguments do not suffice to show that the district court abused its discretion in connection with its denial of Cofer's § 3582(c) motion. *United States v. Evans*, 587 F.3d 667, 672 (5th Cir. 2009), *cert. denied*, 130 S. Ct. 3462 (2010). The judgment of the district court is AFFIRMED.