

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

United States Court of Appeals
Fifth Circuit

FILED

February 12, 2010

No. 08-10713
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LORENZO COTTON,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:04-CR-72-1

Before GARZA, DENNIS, and ELROD, Circuit Judges.

PER CURIAM:*

Lorenzo Cotton, federal prisoner # 32280-177, appeals the grant of his 18 U.S.C. § 3582(c)(2) motion, which reduced the sentence he is serving for possession with intent to distribute cocaine base to a term within the amended guidelines range. We affirm.

Cotton's argument that the district court was authorized to depart from the amended guidelines range when sentencing him pursuant to § 3582(c)(2) is foreclosed by *United States v. Dublin*, 572 F.3d 235, 238 (5th Cir.), *cert. denied*,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

130 S. Ct. 517 (2009), which held *Booker*¹ inapplicable to § 3582(c) sentence reductions. His argument that the district court erred in failing to provide reasons in support of the reduced sentence is foreclosed by *United States v. Evans*, 587 F.3d 667, 674 (5th Cir. 2009), which held that a district court is “not required to state findings of facts and conclusions of law” when granting or denying a § 3582(c)(2) motion.

AFFIRMED.

¹ *United States v. Booker*, 543 U.S. 220 (2005).