IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

F I L E D

November 15, 2010

No. 08-11190
Summary Calendar

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MICHAEL LAWRENCE WILLIAMS,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:06-CR-30-ALL

Before REAVLEY, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:[*]

Michael Lawrence Williams, federal prisoner # 34595-177, pleaded guilty in 2006 to distribution and possession with the intent to distribute more than 50 grams of a mixture containing cocaine base ("crack"), and he was sentenced to 235 months of imprisonment. Williams filed a motion under 18 U.S.C. § 3582(c)(2) seeking a reduction in his sentence based on a retroactive amendment to the Sentencing Guidelines that applied to crack offenses. He now appeals the district court's denial of that motion.

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[*] 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Williams argues that the district court erred by failing to appoint counsel to represent him during his § 3582(c)(2) proceeding. Williams did not request counsel or object regarding appointment of counsel in the district court. Therefore, his argument is reviewed for plain error. *United States v. Whitfield*, 590 F.3d 325, 347 n.15 (5th Cir. 2009) ("[G]enerally speaking, the plain error rule is invoked when an appellant raises an issue on appeal that he failed to preserve in the court below."), *cert. denied*, 2010 WL 2151025 (2010) (No. 09-11067).

The district court did not plainly err by not sua sponte appointing counsel for Williams. See *United States v. Whitebird*, 55 F.3d 1007, 1010-11 (5th Cir. 1995).

AFFIRMED.