

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

United States Court of Appeals  
Fifth Circuit

**FILED**

April 20, 2010

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 08-31193

Conference Calendar  
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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ERNEST ALLEN,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:91-CR-489-1  
\_\_\_\_\_

Before SMITH, PRADO, and HAYNES, Circuit Judges.

PER CURIAM:\*

Ernest Allen, federal prisoner # 22651-034, appeals the district court's grant of his 18 U.S.C. § 3582(c)(2) motion to reduce his sentence based on the amendments to the crack cocaine Guideline. Allen argues that the district court's decision to reduce his sentence by only 12 months was an abuse of discretion.

Reductions under § 3582(c)(2) are not mandatory and are reviewed for an abuse of discretion. *United States v. Dublin*, 572 F.3d 235, 237-38 (5th Cir.),

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

*cert. denied*, 130 S. Ct. 517 (2009). In Allen's case, the district court did not base its decision on an error of law or a clearly erroneous assessment of the evidence. *See id. at 237*; *see United States v. Smith*, 417 F.3d 483, 486-87 (5th Cir. 2005); 18 U.S.C. § 3553(a); U.S.S.G. § 1B1.10, comment. (n.1(B)(i)-(iii)). Also, the district court's failure to provide case-specific reasons for its decision does not constitute reversible error. *See United States v. Evans*, 587 F.3d 667, 672-74 (5th Cir. 2009), *petition for cert. filed* (Jan. 28, 2010) (No. 09-8939).

The judgment of the district court is AFFIRMED.