

**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. 09-30239

Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

PATRICK FRANKLIN,

Defendant-Appellant

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:96-CR-17-3

Before SMITH, PRADO, and HAYNES, Circuit Judges.

PER CURIAM:*

Patrick Franklin, federal prisoner # 02736-095, 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. Franklin argues that the limited reduction of only 12 months was an abuse of discretion. He also argues that the district court failed to indicate that it had considered the applicable sentencing factors.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We review a district court's decision to reduce a sentence for an abuse of discretion, and its interpretation of the Sentencing Guidelines is reviewed de novo. *United States v. Dublin*, 572 F.3d 235, 237 (5th Cir.), *cert. denied*, 130 S. Ct. 517 (2009). Franklin's contentions are foreclosed by *United States v. Evans*, 587 F.3d 667 (5th Cir. 2009), *petition for cert. filed* (Jan. 28, 2010) (No. 09-8939). As we stated in *Evans*, a district court is under no obligation to reduce the sentence at all or to reduce it even further within the recalculated range. *Id.* at 673. To the extent that Franklin is asserting that the district court did not sufficiently explain its reasons for the reduced sentence, *Evans* also forecloses such an argument. *See id.* at 674.

AFFIRMED.