

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

United States Court of Appeals
Fifth Circuit

FILED

March 10, 2011

Lyle W. Cayce
Clerk

No. 09-31021

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

STEVON RAY ALEXANDER,

Also Known as Steron R. Alexander, Also Known as Steven D. Alexander,
Also Known as Steven C. Alexander,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:07-CR-20028-1

Before DAVIS, SMITH, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Stevon Alexander appeals the 180-month sentence imposed following his

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 09-31021

guilty plea conviction of possession with intent to distribute fifty grams or more of crack cocaine. He argues that the Fair Sentencing Act of 2010 (“FSA”) should apply retroactively to reduce his sentence.

Congress passed the FSA, Pub. L. No. 111-220, 124 Stat. 2372, after Alexander had been sentenced and had filed his appeal. As a result of that act, 21 U.S.C. § 841(b)(1)(A) now requires that a defendant possess over 280 grams of crack cocaine, rather than 50 grams, for the 10-year mandatory minimum to apply. Alexander claims that the act is retroactive and that he should be resentenced under the new statute.

This claim is without merit. The FSA does not apply retroactively to defendants, like Alexander, who were sentenced before its enactment. *See United States v. Doggins*, No. 09-40925, 2011 U.S. App. LEXIS 2413, at *10-*11 (5th Cir. Feb. 9, 2011).

AFFIRMED.