

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

August 18, 2009

No. 09-40146
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

SHAWN KEITH BENTON,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:99-CR-176-9

Before HIGGINBOTHAM, DAVIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Shawn Keith Benton raises arguments that are foreclosed by *United States v. Doublin*, ___ F.3d ___, No. 08-30775, 2009 WL 1743661, at *3 (5th Cir. June 22, 2009), which rejected the argument that *United States v. Booker*, 543 U.S. 220 (2005) applies in 18 U.S.C. § 3582(c)(2) proceedings and held that a district court may not reduce a sentence below the minimum provided in the amended Guidelines. The

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.