

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

United States Court of Appeals
Fifth Circuit

FILED

August 6, 2013

Lyle W. Cayce
Clerk

No. 13-30046

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ELTON G. MINNIEFIELD,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 3:96-CR-30043-1

Before KING, DAVIS, and ELROD, Circuit Judges.

PER CURIAM:*

Elton G. Minniefield, federal prisoner # 09461-035, appeals the district court's denial of his 18 U.S.C. § 3582(c)(2) motion for a sentence reduction based on Amendments 750 and 759 to U.S.S.G. § 2D1.1(c) (2011). Minniefield was previously granted a sentence reduction based on Amendments 706 and 711 to § 2D1.1(c) (2007) when the district court reduced his base offense level by two levels from 38 to 36 and his sentence from 292 months to 235 months. He argues here that the district court abused its discretion when it failed to find

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 13-30046

him accountable for less than 2.8 kilograms of cocaine base and reduce his base offense level by another two levels from 36 to 34.

The district court did not abuse its discretion in denying Minniefield's § 3582(c)(2) motion. *See United States v. Evans*, 587 F.3d 667, 672-73 (5th Cir. 2009). The record reflects that the district court considered Minniefield's motion, the presentence report, and the 18 U.S.C. § 3553(a) factors and concluded that no further reduction in Minniefield's sentence was warranted. *See id.* at 672-73. Minniefield has failed to show that the district court "base[d] its decision on an error of law or a clearly erroneous assessment of the evidence." *United States v. Henderson*, 636 F.3d 713, 717 (5th Cir. 2011) (internal quotation marks and citation omitted). Accordingly, the judgment of the district court is **AFFIRMED**.