

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

No. 14-20181
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 10, 2014

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MIGUEL ROCHA,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:98-CR-412-1

Before REAVLEY, DENNIS, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Miguel Rocha, federal prisoner # 83176-079, was convicted in 1999 of bank robbery and of using and carrying a firearm during and in connection with a crime of violence. Rocha has appealed the district court's order denying his motion under 18 U.S.C. § 3582(c)(2) seeking a reduction in his sentence in light of Amendment 599 to the Sentencing Guidelines and the Supreme Court's opinion in *Freeman v. United States*, 131 S. Ct. 2685 (2011).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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The record reflects that Rocha was sentenced to a particular sentence under the terms of his plea agreement. *See Freeman*, 131 S. Ct. at 2695-99 (Sotomayor, J., concurring). Accordingly, he cannot show that the district court abused its discretion in determining that he is ineligible for a reduction in his sentence under Amendment 599. *See id.*; *United States v. Evans*, 587 F.3d 667, 672 (5th Cir. 2009) (standard of review).

The Government's motion for summary affirmance is GRANTED and its alternative motion for an extension of time within which to file a brief is DENIED AS UNNECESSARY. The district court's order is AFFIRMED.