

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with
Fed. R. App. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted September 24, 2009

Decided October 26, 2009*

Before

RICHARD A. POSNER, *Circuit Judge*

DIANE P. WOOD, *Circuit Judge*

No. 09-2339

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

GREG FORT,
Defendant-Appellant.

Appeal from the United States District
Court for the Northern District of Illinois,
Western Division.

No. 93 CR 20024-4

Philip G. Reinhard,
Judge.

ORDER

The district court denied Greg Fort's motion under 18 U.S.C. § 3582(c)(2) to modify his sentence of life imprisonment for crack-cocaine offenses on the ground that he was ineligible for a reduction. Fort appeals. We have held that district courts do not have authority to reduce a defendant's sentence below the bottom of the range provided by the retroactive amendments to the sentencing guidelines. *United States v. Cunningham*, 554 F.3d 703, 709 (7th Cir. 2009). Here, even under the amended crack-cocaine sentencing guideline, Fort's total offense level remains 43, *see* U.S.S.G. ch. 5, pt. A, cmt. n.2, and the applicable guidelines range remains life imprisonment. Thus, we AFFIRM the judgment of the district court.

* This successive appeal has been submitted to a quorum of the original panel under Operating Procedure 6(b), Judge Walter J. Cummings having passed away since the time of our original decision. *See* 28 U.S.C. § 46(d). After examining the briefs and the record, we have concluded that oral argument is unnecessary. *See* FED. R. APP. P. 34(a); CIR. R. 34(f).