

NONPRECEDENTIAL DISPOSITION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 July 24, 2023*

Decided July 25, 2023

Before

ILANA DIAMOND ROVNER, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 22-2372

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

DEVON YOUNG,
Defendant-Appellant.

Appeal from the United States District
Court for the Southern District of
Indiana, Indianapolis Division.

No. 1:10-cr-00003-SEB-DML-17

Sarah Evans Barker,
Judge.

ORDER

Devon Young appeals from the order denying his motion to reconsider the denial of a motion for sentence reduction under 18 U.S.C. § 3582(c)(2). He had sought to reduce his sentence based on the retroactive application of an amendment to the United States Sentencing Guidelines. We affirm.

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

Young was convicted by a jury in 2010 of conspiracy to distribute cocaine, 21 U.S.C. §§ 841(a)(1), 846, and possession with intent to distribute cocaine, 21 U.S.C. § 841(a)(1). The district court calculated a guidelines range of 360 months to life in prison (based on Young's criminal history score of III and total offense level of 41). The court sentenced him to 360 months' imprisonment, and we affirmed the sentence on direct appeal. *United States v. Jones*, 763 F.3d 777, 818 (7th Cir. 2014).

In 2020, Young moved to reduce his sentence under the First Step Act of 2018, Pub. L. 115-391, § 404(b), 132 Stat. 5194, 5222 (2018), which made retroactive some changes to the statutory penalties for crack-cocaine trafficking contained in the Fair Sentencing Act of 2010. The district court granted Young's motion and reduced his sentence to 240 months—the statutory minimum. *See* 21 U.S.C. § 841(b)(1)(A).

The following year, Young again moved for a reduced sentence, arguing that the court failed to consider Amendment 782 to the Sentencing Guidelines, which lowered by two levels the base offense level for his drug crime as specified in the Drug Quantity Table. *See* U.S.S.G. § 1B1.10(d); Supp. to App. C, amend. 782 (2014). The court denied the motion on March 17, 2022, noting that it had sentenced Young to the statutory minimum term, that Amendment 782 does not permit a sentence below the statutory minimum, and that the amendment already had been incorporated into the prior guideline calculations. Young did not appeal that decision.

Two months later, Young moved for reconsideration, stating that he had only recently received the court's decision. He pressed the same arguments that he made in his preceding motion. On July 11, 2022, the court denied that motion for the same reasons stated in its March 17 order.

Later that month, Young filed a notice of appeal seeking to challenge both the March 17 and July 11 orders. But because he did not file his notice of appeal within fourteen days of the March 17 order, we limited our review to only the denial of reconsideration. *See* FED. R. APP. P. 4(b); *United States v. Rollins*, 607 F.3d 500, 502 (7th Cir. 2010).

Regarding the denial of his motion to reconsider, Young says only that the court erred by failing to consider Amendment 782. But the court acted well within its discretion by denying reconsideration. The court had resentenced Young under the 2018 Guidelines, which incorporated the changes to the Drug Quantity Table introduced by Amendment 782. And in any event, Young had been sentenced to the

statutory minimum prison term for his offense. *See Koons v. United States*, 138 S. Ct. 1783, 1788 (2018).

AFFIRMED