

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 07-3393

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United States of America,

Appellee,

v.

Armendariz Alexander,

Appellant.

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Appeal from the United States  
District Court for the  
Eastern District of Missouri.

[UNPUBLISHED]

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Submitted: February 18, 2009  
Filed: February 27, 2009

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Before RILEY, SMITH, and BENTON, Circuit Judges.

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PER CURIAM.

Armendariz Alexander (Alexander) appeals the district court's<sup>1</sup> denial of his 18 U.S.C. § 3582(c)(2) motion for a sentence reduction. Upon reviewing the record and counsel's brief, we conclude the district court did not err in denying Alexander's motion. See United States v. Peveler, 359 F.3d 369, 373 (6th Cir. 2004) (stating a decision to deny a motion to modify under § 3582 is reviewed for abuse of discretion, but to the extent a defendant's arguments rest on a legal interpretation of various Sentencing Guidelines, the interpretation of those Guidelines is a question of law

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<sup>1</sup>The Honorable Stephen N. Limbaugh, Sr., United States District Judge for the Eastern District of Missouri, now retired.

reviewed de novo); United States v. Friend, 303 F.3d 921, 922 (8th Cir. 2002) (per curiam) (proclaiming Guidelines Amendment 599 only applies to 18 U.S.C. § 924(c) convictions).

We grant counsel's motion to withdraw, and we affirm.

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