

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 10-3059

United States of America,

Appellee,

v.

Maurice L. Watson,

Appellant.

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Appeal from the United States
District Court for the
District of Nebraska.

[UNPUBLISHED]

Submitted: May 12, 2011
Filed: October 17, 2011

Before MURPHY and COLLOTON, Circuit Judges, and ERICKSON,¹ District Judge.

PER CURIAM.

Maurice L. Watson pled guilty to conspiracy to distribute five grams or more of crack cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1), and § 846. The district court² sentenced Watson to 60 months' imprisonment, the mandatory minimum sentence under § 841(b)(1)(B) before enactment of the Fair Sentencing Act

¹The Honorable Ralph R. Erickson, Chief Judge, United States District Court for the District of North Dakota, sitting by designation.

²The Honorable Laurie Smith Camp, United States District Judge for the District of Nebraska.

of 2010 (FSA), Pub. L. No. 111-220, 124 Stat. 2372 (Aug. 3, 2010). Watson appeals, arguing the district court erred by not sentencing him in accordance with the FSA. We affirm.

Watson asserts three related arguments on appeal. First, he argues the plain language of the FSA indicates the new sentencing scheme applies to cases that are not yet final. Second, he argues exceptions to the general savings statute, 1 U.S.C. § 109, preclude applying it to the FSA. Finally, Watson contends that applying the general savings statute to the FSA violates the Eighth Amendment's prohibition against cruel and unusual punishment and the Fifth Amendment's guarantee of equal protection. Our precedent forecloses Watson's arguments. United States v. Sidney, 648 F.3d 904, 910 (8th Cir. 2011) (“[T]he FSA is not retroactive, even as to defendants who were sentenced after the enactment of the FSA where their criminal conduct occurred before enactment.”).

The district court judgment is affirmed.