

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 11-3584

United States of America,

Appellee,

v.

James Lee Brown,

Appellant.

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Appeal from the United States
District Court for the
Southern District of Iowa.

[UNPUBLISHED]

Submitted: July 5, 2012
Filed: July 10, 2012

Before WOLLMAN, MELLOY, and SMITH, Circuit Judges.

PER CURIAM.

James Brown appeals the district court's¹ denial of his 18 U.S.C. § 3582(c)(2) sentence-reduction motion based on Amendment 750 to the United States Sentencing Guidelines. We affirm, as Brown's applicable Guidelines range was not lowered by the amendment. See U.S.S.G. § 1B1.10, comment. (n.1(A)) (eligibility for consideration under § 3582(c)(2) is triggered only by amendment that lowers applicable Guidelines range); United States v. Tolliver, 570 F.3d 1062, 1066-67 (8th Cir. 2009) (where applicable Guidelines range was not lowered by amendment,

¹The Honorable Ronald E. Longstaff, United States District Judge for the Southern District of Iowa.

district court lacked authority to reduce sentence). To the extent Brown has raised arguments that are not based on a Guidelines amendment, those arguments are not properly raised in a section 3582(c)(2) motion.

The judgment is affirmed. Counsel's motion to withdraw is granted.
