

United States Court of Appeals
For the Eighth Circuit

No. 12-3014

United States of America

Plaintiff - Appellee

v.

David Willie Seigler, also known as David Willis Seigler

Defendant - Appellant

Appeal from United States District Court
for the District of Minnesota - St. Paul

Submitted: February 20, 2013

Filed: February 26, 2013

[Unpublished]

Before LOKEN, MELLOY, and BENTON, Circuit Judges.

PER CURIAM.

Texas inmate David Seigler appeals the district court's¹ denial of his 18 U.S.C. § 3582(c)(2) motion for a sentence reduction based on U.S.S.G. Amendment 742

¹The Honorable Michael J. Davis, Chief Judge, United States District Court for the District of Minnesota.

(deleting “recency” criminal history points). We agree with the district court that section 3582(c)(2) does not permit a sentencing reduction under Amendment 742, because the amendment is not listed in U.S.S.G. § 1B1.10(c) among those Guidelines amendments that may be applied retroactively. Thus, even if Amendment 742 were a clarifying rather than substantive amendment, as Seigler argues, he is not entitled to a reduction under section 3582(c)(2). See *United States v. McHan*, 386 F.3d 620, 622 (4th Cir. 2004).

We affirm the judgment of the district court. See 8th Cir. R. 47B.
