

United States Court of Appeals  
For the Eighth Circuit

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No. 12-3544

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United States of America

*Plaintiff - Appellee*

v.

Calvin James Ferguson

*Defendant - Appellant*

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

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Submitted: May 30, 2013

Filed: May 31, 2013

[Unpublished]

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Before WOLLMAN, BOWMAN, and GRUENDER, Circuit Judges.

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PER CURIAM.

Calvin Ferguson appeals the district court's<sup>1</sup> denial of his 18 U.S.C. § 3582(c)(2) sentence-reduction motion based on Amendment 750 to the United

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<sup>1</sup>The Honorable Donovan W. Frank, United States District Judge for the District of Minnesota.

States Sentencing Guidelines. We find no error in the district court's finding that Ferguson was not entitled to a reduction because he was responsible for more than 2.8 kilograms of crack cocaine, and thus the amendment did not lower his applicable sentencing range. See United States v. Anderson, 707 F.3d 973, 975 (8th Cir. 2013) (per curiam) (district court may make new factual findings under § 3582(c)(2) if they are supported by record and consistent with original sentencing determination); cf. United States v. Fetlow, 21 F.3d 243, 250 (8th Cir. 1994) (sentencing court may consider evidence introduced at trial of codefendant if that evidence is relevant to disputed issue at sentencing and sentencing judge presided over codefendant's trial).

Accordingly, the judgment is affirmed. Counsel's motion to withdraw is granted.

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