

United States Court of Appeals  
For the Eighth Circuit

---

No. 12-3763

---

United States of America

*Plaintiff - Appellee*

v.

Bobby Graves

*Defendant - Appellant*

---

Appeal from United States District Court  
for the Western District of Missouri - Kansas City

---

Submitted: April 19, 2013

Filed: April 24, 2013  
[Unpublished]

---

Before WOLLMAN, BOWMAN, and GRUENDER, Circuit Judges.

---

PER CURIAM.

Bobby Graves 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 States Sentencing

---

<sup>1</sup>The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.

Guidelines. We affirm, as the amendment did not lower Graves's Guidelines range. 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, district court lacked authority to reduce sentence).

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

---