

United States Court of Appeals
For the Eighth Circuit

No. 12-3777

United States of America

Plaintiff - Appellee

v.

Omar Villareal

Defendant - Appellant

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

Submitted: May 3, 2013

Filed: May 7, 2013
[Unpublished]

Before LOKEN, MELLOY, and BENTON, Circuit Judges.

PER CURIAM.

In 2009, Omar Villareal was convicted of conspiring to distribute 5 kilograms or more of a mixture containing cocaine, in violation of 21 U.S.C. §§ 841(a)(1),

841(b)(1)(A), and 846, and the district court¹ sentenced him to 210 months in prison and 5 years of supervised release. Villareal later moved under 18 U.S.C. § 3582(c)(2) to reduce his sentence pursuant to Guidelines Amendments 748 and 750. The court summarily denied the motion, and he appeals.

The district court correctly denied relief, because Amendment 750 did not lower the sentencing range applicable to powder cocaine offenses; and even setting aside its applicability, Amendment 748 is not listed among those amendments that may be applied retroactively to reduce a sentence. See 18 U.S.C. § 3582(c)(2); U.S.S.G. § 1B1.10. Accordingly, we affirm. We also grant counsel's motion to withdraw.

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