

United States Court of Appeals
For the Eighth Circuit

No. 15-2998

United States of America

Plaintiff - Appellee

v.

Moises Pulido Jauregui, also known as Manuel Rivera De La Paz

Defendant - Appellant

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

Submitted: February 5, 2016

Filed: February 11, 2016

[Unpublished]

Before BENTON, BOWMAN, and KELLY, Circuit Judges.

PER CURIAM.

Moises Pulido Jauregui appeals after the District Court¹ denied him a sentence reduction under 18 U.S.C. § 3582(c)(2). We conclude that the court did not err in

¹The Honorable Patrick J. Schiltz, United States District Judge for the District of Minnesota.

denying the reduction because it could not reduce Jauregui's sentence below his statutory minimum sentence. See 21 U.S.C. § 841(b)(1)(A) (setting out a 10-year statutory mandatory minimum sentence for certain offenses); U.S. Sentencing Guidelines Manual § 1B1.10 cmt. n.1(A) (explaining that a § 3582(c)(2) reduction is not authorized if "the amendment does not have the effect of lowering the defendant's applicable guideline range because of . . . a statutory mandatory minimum term of imprisonment"); Dillon v. United States, 560 U.S. 817, 827 (2010) (stating that § 3582(c) authorizes a district court to reduce a sentence by applying the amended Guidelines range as if it were in effect at the time of the original sentencing, leaving all other Guidelines determinations unaffected); United States v. Long, 757 F.3d 762, 763 (8th Cir. 2014) (standards of review), cert. denied, 135 S. Ct. 991 (2015); United States v. Peters, 524 F.3d 905, 907 (8th Cir.) (per curiam) (holding that § 3582(c)(2) did not authorize a modification because the defendant had received a statutory mandatory minimum sentence and the court could not address any alleged error from the original sentencing), cert. denied, 555 U.S. 922 (2008).

Accordingly, we affirm the judgment, and we grant counsel's motion to withdraw.
