

United States Court of Appeals
For the Eighth Circuit

No. 15-3218

United States of America

Plaintiff - Appellee

v.

DeVaughn Lee

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: March 14, 2016

Filed: March 17, 2016

[Unpublished]

Before WOLLMAN, BOWMAN, and MURPHY, Circuit Judges.

PER CURIAM.

DeVaughn Lee appeals after the district court¹ denied him a sentence reduction under 18 U.S.C. § 3582(c)(2). In declining to reduce Lee's sentence, the district court

¹The Honorable Rodney W. Sippel, Chief Judge, United States District Court for the Eastern District of Missouri.

found that a reduction was not warranted in light of the conduct violations incurred during his incarceration and his conduct during the offense. We conclude that there is no basis for reversal, as the district court's finding that a reduction was not warranted was not an abuse of discretion. See Dillon v. United States, 560 U.S. 817, 827 (2010) (Section 3582(c) authorizes district court to reduce sentence by applying amended Guidelines range as if it were in effect at time of original sentencing, and leaving all other Guidelines determinations intact as previously determined); United States v. Long, 757 F.3d 762, 763 (8th Cir. 2014) (de novo review of whether § 3582(c)(2) authorizes modification, and abuse-of-discretion review of decision whether to grant authorized § 3582(c)(2) modification); United States v. Curry, 584 F.3d 1102, 1103-05 (8th Cir. 2009) (district court did not abuse its discretion in declining to reduce defendant's sentence under § 3582(c)(2) due to defendant's criminal history). The judgment is affirmed, and counsel's request to withdraw is granted.
