

United States Court of Appeals
For the Eighth Circuit

No. 18-1255

United States of America

Plaintiff - Appellee

v.

Derrick T. Seals

Defendant - Appellant

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

Submitted: August 10, 2018

Filed: August 27, 2018

[Unpublished]

Before WOLLMAN, GRUENDER, and GRASZ, Circuit Judges.

PER CURIAM.

Federal inmate Derrick Seals, who is serving a statutory mandatory minimum sentence, directly appeals after the district court¹ denied his 18 U.S.C. § 3582(c)(2)

¹The Honorable Brian C. Wimes, United States District Judge for the Western District of Missouri.

motion for a sentence reduction. His counsel has moved for leave to withdraw, and has filed a brief, asserting that the district court erred by denying Seals's motion without conducting an evidentiary hearing.

After careful consideration, *see United States v. Long*, 757 F.3d 762, 763 (8th Cir. 2014) (noting that a legal conclusion as to whether § 3582(c)(2) authorizes a modification is reviewed *de novo*, and that a discretionary decision as to whether to grant an authorized modification is reviewed for an abuse of discretion), we conclude that Seals could not have obtained a sentence reduction because the district court had already imposed a statutory minimum sentence, *see United States v. Peters*, 524 F.3d 905, 907 (8th Cir. 2008) (per curiam) (concluding that a sentence reduction was not authorized because the prisoner had received a statutory mandatory minimum sentence). Consequently, no error occurred, and an evidentiary hearing could not have made a difference.

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