

United States Court of Appeals
For the Eighth Circuit

No. 19-1798

United States of America

Plaintiff - Appellee

v.

Justin K. Eaton

Defendant - Appellant

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

Submitted: December 18, 2019

Filed: December 23, 2019

[Unpublished]

Before LOKEN, SHEPHERD, and ERICKSON, Circuit Judges.

PER CURIAM.

Justin Eaton appeals the district court's¹ order denying his motion to reduce his sentence under 18 U.S.C. § 3582(c)(2) based on Amendment 801 to the Sentencing

¹The Honorable Roseann A. Ketchmark, United States District Judge for the Western District of Missouri.

Guidelines. Because Amendment 801 is not listed in U.S.S.G. § 1B1.10(d), we agree with the district court that section 3582c)(2) does not authorize a sentence reduction. See U.S.S.G. § 1B1.10(a) (sentence-reduction authority under § 3582(c)(2) limited to amendments listed in subsection (d)); United States v. Koons, 850 F.3d 973, 976 (8th Cir. 2017) (discussing retroactivity of sentence-reducing amendments), aff'd, 138 S. Ct. 1783 (2018). We also reject Eaton’s argument that non-retroactivity gives rise to a due process concern. See United States v. Johnson, 703 F.3d 464, 469 (8th Cir. 2013).

The judgment is affirmed. See 8th Cir. R. 47B.
