

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i> v. ANDREW COLSON, <i>Defendant-Appellant.</i>
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No. 08-10287  
D.C. No.  
2:03-CR-00559-RCJ  
ORDER

Appeal from the United States District Court  
for the District of Nevada  
Robert C. Jones, District Judge, Presiding

Submitted February 23, 2009\*

Filed March 10, 2009

Before: Alex Kozinski, Chief Judge, Michael Daly Hawkins  
and Ronald M. Gould, Circuit Judges.

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**COUNSEL**

Franny A. Forsman, Federal Public Defender, Jason F. Carr,  
Assistant Federal Public Defender, Las Vegas, Nevada, for  
the appellant.

Gregory A. Browner, United States Attorney, Peter S. Levitt,  
Assistant United States Attorney, Las Vegas, Nevada, for the  
appellee.

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\*The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

**ORDER**

Andrew Colson (“Colson”) appeals from the district court’s decision regarding a discretionary reduction of sentence under 18 U.S.C. § 3582(c)(2). Colson acknowledges that the district court’s decision is not reviewable under *United States v. Lowe*, 136 F.3d 1231, 1233 (9th Cir. 1998), but argues that *Lowe* is no longer good law in light of *United States v. Carty*, 520 F.3d 984 (9th Cir. 2008) (en banc).

We find no conflict between *Carty* and *Lowe*, and we affirm that *Lowe* remains binding. Accordingly, the government’s motion to dismiss for lack of jurisdiction is granted.

**DISMISSED.**



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