

DEC 31 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff - Appellee,</p> <p style="text-align: center;">v.</p> <p>JOE WILLIE HOOKS,</p> <p style="text-align: center;">Defendant - Appellant.</p>

No. 12-10188

D.C. No. 2:96-cr-00246-ROS

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Roslyn O. Silver, Chief Judge, Presiding

Submitted December 19, 2012**

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Joe Willie Hooks appeals from the district court’s order denying his 18 U.S.C. § 3582(c)(2) motion for reduction of sentence. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

Hooks contends that he is eligible for a sentence reduction under Amendment 750 to the Sentencing Guidelines, which changed the drug quantity table in U.S.S.G. § 2D1.1 for offenses involving crack cocaine. This contention fails. Amendment 750 did not alter the Guidelines range applicable to the drug quantity used to determine Hooks's sentence. *See* U.S.S.G. app. C, amend. 750. Because Amendment 750 did not lower Hooks's advisory Sentencing Guidelines range, the district court lacked jurisdiction to reduce his sentence. *See* 18 U.S.C. § 3582(c)(2); *United States v. Leniear*, 574 F.3d 668, 674 (9th Cir. 2009).

In light of this conclusion, we do not reach Hooks's contention that the district court abused its discretion by failing to state reasons for denying his motion.

AFFIRMED.