

DEC 15 2015

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JACK MARTIN VOSE,

Defendant - Appellant.

No. 15-10120

D.C. No. 4:09-cr-00734-CKJ

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Cindy K. Jorgenson, District Judge, Presiding

Submitted December 9, 2015**

Before: WALLACE, RAWLINSON, and IKUTA, Circuit Judges.

Jack Martin Vose appeals pro se from the district court's order denying his motion for a sentence reduction under 18 U.S.C. § 3582(c)(2). 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).

Vose contends that he is entitled to a sentence reduction under Amendment 782 to the Sentencing Guidelines. We review de novo whether a district court had authority to modify a sentence under section 3582(c)(2). *See United States v. Paulk*, 569 F.3d 1094, 1095 (9th Cir. 2009) (per curiam). Vose is not entitled to a sentence reduction because his sentence was not “based on a sentencing range that has subsequently been lowered by the Sentencing Commission.” 18 U.S.C. § 3582(c)(2). Rather, his sentence was based on the statutory mandatory minimum under 21 U.S.C. § 841(b)(1)(B)(vii). The district court properly denied relief.¹ *See Paulk*, 569 F.3d at 1095-96.

Vose’s additional claims do not support relief under section 3582(c)(2). *See Dillon v. United States*, 560 U.S. 817, 826 (2010) (section 3582(c) does not permit a “plenary resentencing hearing”).

AFFIRMED.

¹ Vose’s contention that he was not subject to the enhanced mandatory minimum because the judgment does not cite 21 U.S.C. § 851(a) is unavailing. The mandatory minimum is set forth in 21 U.S.C. § 841(b)(1)(B)(vii).