

FEB 21 2017

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NOT FOR PUBLICATION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.

VANESSA MARIA BISHOP,

Defendant-Appellant.

No. 16-50058

D.C. No. 3:13-cr-00775-JLS

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Janis L. Sammartino, District Judge, Presiding

Submitted February 14, 2017**

Before: GOODWIN, FARRIS, and FERNANDEZ, Circuit Judges.

Vanessa Maria Bishop appeals from the district court's order denying her 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 Ninth Circuit Rule 36-3.

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

Bishop contends that she is entitled to a sentence reduction under Amendment 782 to the Sentencing Guidelines. Contrary to Bishop's contention, the district court properly calculated her amended Guidelines range without considering the four-level fast-track departure that the court granted at her original sentencing. *See* U.S.S.G. § 1B1.10 cmt. n.1(A); *United States v. Ornelas*, 825 F.3d 548, 555 (9th Cir. 2016). Because Bishop received a 70-month sentence, which is below the amended Guidelines range, the district court properly denied her motion for a sentence reduction. *See* U.S.S.G. § 1B1.10(b)(2)(A) (“[T]he court shall not reduce the defendant’s term of imprisonment under 18 U.S.C. § 3582(c)(2) and this policy statement to a term that is less than the minimum of the amended guideline range.”).

AFFIRMED.