

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 4 2024

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MURVILLE LAVELLE LAMPKIN, AKA
Lamar,

Defendant - Appellant.

No. 23-2091

D.C. No.

3:15-cr-00005-SLG-DMS-5

MEMORANDUM*

Appeal from the United States District Court
for the District of Alaska
Sharon L. Gleason, District Judge, Presiding

Submitted March 26, 2024**

Before: TASHIMA, SILVERMAN, and KOH, Circuit Judges.

Murville Lavelle Lampkin appeals pro se from the district court's second amended judgment entered following the court's order reducing Lampkin's sentence to 168 months under 18 U.S.C. § 3582(c)(1)(A)(i). We have jurisdiction

* 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).

under 28 U.S.C. § 1291, and we affirm.

Lampkin contends that the district court incorrectly calculated the Guidelines range that would apply to him if he were sentenced without a 21 U.S.C. § 851 enhancement. This assertion is not supported by the record, which shows that the court took correct account of the First Step Act's non-retroactive changes to the applicable mandatory minimum and the Attorney General's recent guidance regarding the filing of an § 851 information, and did not abuse its discretion by declining to reduce the sentence further. *See United States v. Chen*, 48 F.4th 1092, 1094, 1098 (9th Cir. 2022).

AFFIRMED.