

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 99-3056

Charles Ray Edwards,

Appellant,

v.

United States of America,

Appellee.

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* Appeal from the United States

* District Court for the

* Western District of Arkansas.

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[UNPUBLISHED]

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Submitted: July 5, 2000

Filed: July 11, 2000

Before LOKEN, FAGG, and HANSEN, Circuit Judges.

PER CURIAM.

Charles Ray Edwards, a federal prisoner, appeals the district court's¹ order denying his motion, brought under 18 U.S.C. § 3852(c)(2), to reduce his sentence. Edwards sought retroactive application of U.S. Sentencing Guidelines Manual § 5K2.13, p.s., as amended in 1998 by Amendment 583. Having carefully reviewed the record, we conclude the district court did not err because a court may not grant a sentence reduction under section 3582(c)(2) unless the reduction is consistent with

¹The HONORABLE HARRY F. BARNES, United States District Judge for the Western District of Arkansas.

applicable policy statements issued by the Sentencing Commission. The relevant policy statement, U.S. Sentencing Guidelines Manual § 1B1.10, p.s. (1998) does not allow for retroactive application of Amendment 583 in a section 3582(c)(2) proceeding. See United States v. Dowty, 996 F.2d 937, 938-39 (8th Cir. 1993) (per curiam) (amendment to U.S.S.G. § 3E1.1(b) could not be applied retroactively in § 3582(c)(2) proceeding when amendment was not listed in § 1B1.10(c), p.s.). Therefore, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.