

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-1887

United States of America,

Appellee,

v.

German B. Miranda,

Appellant.

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Appeal from the United States
District Court for the
Western District of Arkansas.

[PUBLISHED]

Submitted: April 24, 2008

Filed: May 1, 2008

Before WOLLMAN, HANSEN, and MURPHY, Circuit Judges.

PER CURIAM.

German B. Miranda appeals from the district court's¹ order denying his motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) based on Amendment 706 to the United States Sentencing Guidelines Manual (USSG), which reduced the base offense levels in USSG § 2D1.1(c) based on the quantity of cocaine base (crack).

¹The Honorable Jimm Larry Hendren, Chief Judge, United States District Court for the Western District of Arkansas.

Because Miranda was sentenced as a career criminal, he is not eligible for such a reduction. See United States v. Tingle, No. 08-1777, slip op. (8th Cir. Apr. __, 2008).

Miranda's assertions concerning alleged defects in his indictment and plea agreement, including his assertions of ineffectiveness of counsel, are not addressable in a § 3582(c) proceeding. See USSG § 1b1.10(a)(3); USSG § 1B1.10(b)(1) and cmt. n.2.

The judgment denying Miranda any relief pursuant to the new amendments is summarily affirmed. See 8th Cir. R. 47(A)(a).
