

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-2351

United States of America,

Plaintiff - Appellee,

v.

Terrence Brockman,

Defendant - Appellant.

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

[UNPUBLISHED]

Submitted: July 15, 2008
Filed: August 4, 2008

Before MURPHY, MELLOY, and GRUENDER, Circuit Judges.

PER CURIAM.

Terrence Brockman appeals from the district court's¹ denial of a motion for a reduction of his sentence pursuant to 18 U.S.C. § 3582 (c)(2) and Amendment 706 to the United States Sentencing Guidelines Manual (U.S.S.G.), which reduces certain offense levels in U.S.S.G. § 2D1.1(c) depending on the quantity of cocaine base

¹The Honorable J. Leon Holmes, Chief Judge, United States District for the Eastern District of Arkansas.

(crack) involved in a conviction. The district court refused to reduce Brockman's sentence because it concluded that he was sentenced as a career offender under U.S.S.G. § 4B.1.1 and therefore the amended offense levels for crack based crimes under § 2D1.1 were inapplicable to his sentence. Brockman appeals the district court's decision.

We find that the district court properly determined that while the Sentencing Commission lowered the offense levels for crack cocaine quantities in U.S.S.G. § 2D1.1, it did not do the same for career offender sentencing under U.S.S.G. § 4B.1.1. See United States v. Tingle, 524 F.3d 839, 840 (8th Cir. 2008) (per curiam). As Brockman's sentence was the product of a sentencing range that has not been subsequently lowered, he is not entitled to a sentence reduction under § 3582 (c)(2). See id.

Accordingly, the order of the district court is summarily affirmed. See 8th Cir. R. 47A(a).
