

United States Court of Appeals  
For the Eighth Circuit

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No. 16-2413

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United States of America

*Plaintiff - Appellee*

v.

Thomas Scott Crossland

*Defendant - Appellant*

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

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Submitted: February 2, 2017

Filed: February 7, 2017

[Unpublished]

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Before GRUENDER, BENTON, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Thomas Crossland appeals the district court's<sup>1</sup> order denying his motion for a sentence reduction under 18 U.S.C. § 3582(c)(2) and Amendment 782 to the

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<sup>1</sup>The Honorable P.K. Holmes, III, Chief Judge, United States District Court for the Western District of Arkansas.

Guidelines. His counsel has moved for leave to withdraw, and has filed a brief suggesting that a sentence reduction was warranted in light of the manner in which Crossland's advisory Guidelines imprisonment range for two drug offenses was calculated. Crossland has not filed a supplemental brief.

After careful review of the record, we conclude that Crossland was ineligible for a sentence reduction because his sentences for the drug offenses were not based on the Guidelines, but rather were based on the applicable statutory maximums. See United States v. Scurlark, 560 F.3d 839, 841 (8th Cir. 2009) (de novo review of whether § 3582(c)(2) authorizes modification); United States v. Johnson, 697 F.3d 1190, 1191 (8th Cir. 2012) (per curiam) (affirming denial of § 3582(c)(2) motion where Guidelines range did not serve as basis for term of imprisonment).

Accordingly, we affirm. We also grant counsel's motion for leave to withdraw.

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