

United States Court of Appeals  
For the Eighth Circuit

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No. 19-1926

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United States of America

*Plaintiff - Appellee*

v.

Dennis Gene Shipton

*Defendant - Appellant*

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Appeal from United States District Court  
for the District of North Dakota - Fargo

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Submitted: February 5, 2020

Filed: February 11, 2020

[Unpublished]

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Before GRUENDER, BEAM, and KELLY, Circuit Judges.

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PER CURIAM.

Federal inmate Dennis Shipton appeals after the district court<sup>1</sup> denied a pro se motion in his criminal case, in which he sought a sentence reduction under the First

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<sup>1</sup>The Honorable Daniel L. Hovland, Chief Judge, United States District Court for the District of North Dakota.

Step Act of 2018 (FSA), see Pub. L. No. 115-391, 132 Stat. 5194 (2018). Upon de novo review of the record, see United States v. McDonald, 944 F.3d 769, 771 (8th Cir. 2019) (standard of review), we agree with the district court that Shipton was not eligible for a sentence reduction under section 401 of the FSA, as he was sentenced prior to December 21, 2018, see United States v. Wiseman, 932 F.3d 411, 417 (6th Cir. 2019) (§ 401 of FSA did not apply to defendant who was sentenced prior to December 21, 2018). Accordingly, we affirm.

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