

United States Court of Appeals
For the Eighth Circuit

No. 21-2284

United States of America

Plaintiff - Appellee

v.

Naricco T. Scott

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: April 4, 2022

Filed: April 29, 2022

[Unpublished]

Before KELLY, STRAS, and KOBES, Circuit Judges.

PER CURIAM.

The district court¹ refused to grant Naricco Scott any relief under the First Step Act. See Pub. L. No. 115-391, § 404(b), 132 Stat. 5194, 5222 (2018). The

¹The Honorable Brian C. Wimes, United States District Judge for the Western District of Missouri.

reason it gave was that it could not reduce a sentence that was already at the statutory minimum. See 21 U.S.C. § 841(b)(1)(A) (2010).

We conclude that the district court did not abuse its discretion. See *United States v. McDonald*, 944 F.3d 769, 771–72 (8th Cir. 2019) (discussing the standard of review and outlining the two-step analysis for motions under the First Step Act). “The First Step Act applies to offenses, not conduct, and it is [the defendant’s] statute of conviction that determines his eligibility for relief.” *Id.* at 772 (citation omitted). Scott pleaded guilty to a violation of 21 U.S.C. § 841(b)(1)(A), which carries a mandatory-minimum sentence of twenty years in prison under the Fair Sentencing Act. See 21 U.S.C. § 841(b)(1)(A) (2010). The statutory minimum is the lowest sentence available, see *United States v. Taylor*, 982 F.3d 1295, 1301–02 (11th Cir. 2020), and to the extent Scott now tries to collaterally attack his original sentence, he cannot do so through a motion like this one, see *United States v. Moore*, 963 F.3d 725, 728 (8th Cir. 2020) (explaining how motions under the First Step Act are different from “original, plenary sentencing” proceedings); see also *United States v. Denson*, 963 F.3d 1080, 1089 (11th Cir. 2020) (refusing to entertain this type of challenge).

We accordingly affirm the judgment of the district court.
