

United States Court of Appeals
For the Eighth Circuit

No. 24-1297

United States of America

Plaintiff - Appellee

v.

Noel Rivera, also known as Cabo Rivera

Defendant - Appellant

Appeal from United States District Court
for the District of South Dakota

Submitted: September 5, 2024

Filed: September 10, 2024

[Unpublished]

Before SMITH, BENTON, and GRASZ, Circuit Judges.

PER CURIAM.

Noel Rivera appeals the district court's¹ order denying his 18 U.S.C. § 3582(c)(2) motion seeking a sentence reduction under United States Sentencing

¹The Honorable Karen E. Schreier, United States District Judge for the District of South Dakota.

Guidelines Amendment 821 and § 4C1.1. His counsel moved for leave to withdraw and filed a brief challenging the denial of the reduction. Rivera filed a pro se supplemental brief.

After carefully considering the record and the arguments properly before us, we conclude the district court did not err in denying the § 3582(c)(2) motion. *See United States v. Koons*, 850 F.3d 973, 976 (8th Cir. 2017) (reviewing de novo a defendant’s eligibility for § 3582(c)(2) sentence reduction); *see also* U.S.S.G. § 4C1.1(a)(7) (allowing offense level reduction for certain “Zero-Point” offenders when, among other requirements, a defendant did not receive, possess, or transport firearms in connection with the offense); *Jackson v. Nixon*, 747 F.3d 537, 544 (8th Cir. 2014) (declining to address legal or factual claims presented for first time on appeal). Accordingly, we affirm and grant counsel leave to withdraw.
