

United States Court of Appeals
For the Eighth Circuit

No. 19-1798

United States of America

Plaintiff - Appellee

v.

Justin K. Eaton

Defendant - Appellant

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

Submitted: December 18, 2019

Filed: December 23, 2019

[Unpublished]

Before LOKEN, SHEPHERD, and ERICKSON, Circuit Judges.

PER CURIAM.

Justin Eaton appeals the district court's¹ order denying his motion to reduce his sentence under 18 U.S.C. § 3582(c)(2) based on Amendment 801 to the Sentencing

¹The Honorable Roseann A. Ketchmark, United States District Judge for the Western District of Missouri.

Guidelines. Because Amendment 801 is not listed in U.S.S.G. § 1B1.10(d), we agree with the district court that section 3582c)(2) does not authorize a sentence reduction. See U.S.S.G. § 1B1.10(a) (sentence-reduction authority under § 3582(c)(2) limited to amendments listed in subsection (d)); United States v. Koons, 850 F.3d 973, 976 (8th Cir. 2017) (discussing retroactivity of sentence-reducing amendments), aff'd, 138 S. Ct. 1783 (2018). We also reject Eaton's argument that non-retroactivity gives rise to a due process concern. See United States v. Johnson, 703 F.3d 464, 469 (8th Cir. 2013).

The judgment is affirmed. See 8th Cir. R. 47B.

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 19-1798

United States of America

Plaintiff - Appellee

v.

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Defendant - Appellant

Appeal from U.S. District Court for the Western District of Missouri - Kansas City
(4:14-cr-00340-RK-1)

JUDGMENT

Before LOKEN, SHEPHERD, and ERICKSON, Circuit Judges.

This appeal from the United States District Court was submitted on the record of the district court and briefs of the parties.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court.

December 23, 2019

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
Plaintiff,)
v.) Case No. 4:14-CR-00340-RK-1
JUSTIN K. EATON,)
Defendant.)

ORDER

Before the Court is a motion to reduce sentence filed *pro se* by Defendant Justin K. Eaton. (Doc. 47.) Defendant seeks a reduction of his sentence pursuant to U.S.S.G. § 2G2.2 (Amendment 801). After careful consideration of the briefs (Docs. 47, 50, 51), the motion is **DENIED** for the reasons stated by the Government (Doc. 50).

The Clerk of Court is directed to mail a copy of this order to:

Justin K. Eaton
Reg. No. 27929-045
MCFP Springfield
PO Box 4000
Springfield, MO 65801

IT IS SO ORDERED.

s/ Roseann A. Ketchmark
ROSEANN A. KETCHMARK, JUDGE
UNITED STATES DISTRICT COURT

DATED: March 28, 2019