

677 Fed.Appx. 409

This case was not selected for publication in West's Federal Reporter. See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also U.S.Ct. of App. 9th Cir. Rule 36-3. United States Court of Appeals, Ninth Circuit.

UNITED STATES of America, Plaintiff-Appellee,

v.

Vanessa Maria BISHOP, Defendant-Appellant.

No. 16-50058

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Submitted February 14, 2017^{*}

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Filed February 21, 2017

Appeal from the United States District Court for the Southern District of California, Janis L. Sammartino, District Judge, Presiding, D.C. No. 3:13-cr-00775-JLS

Attorneys and Law Firms

Cynthia Lynne Millsaps, Helen H. Hong, Joseph S. Smith, Jr., Assistant U.S. Attorneys, Michael Emerson Lasater, Esquire, U.S. Attorney, Office of the US Attorney, San Diego, CA, for Plaintiff-Appellee

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Footnotes

^{*} The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

^{**} This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

^{*410} Before: GOODWIN, FARRIS, and FERNANDEZ, Circuit Judges.

MEMORANDUM^{**}

Vanessa Maria Bishop appeals from the district court's order denying her motion for a sentence reduction under 18 U.S.C. § 3582(c)(2). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Bishop contends that she is entitled to a sentence reduction under Amendment 782 to the Sentencing Guidelines. Contrary to Bishop's contention, the district court properly calculated her amended Guidelines range without considering the four-level fast-track departure that the court granted at her original sentencing. See U.S.S.G. § 1B1.10 cmt. n.1(A); *United States v. Ornelas*, 825 F.3d 548, 555 (9th Cir. 2016). Because Bishop received a 70-month sentence, which is below the amended Guidelines range, the district court properly denied her motion for a sentence reduction. See U.S.S.G. § 1B1.10(b)(2)(A) (“[T]he court shall not reduce the defendant's term of imprisonment under 18 U.S.C. § 3582(c)(2) and this policy statement to a term that is less than the minimum of the amended guideline range.”).

AFFIRMED.

All Citations

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