

696 Fed.Appx. 231 (Mem)

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.
Anthony Francis BOOK, Defendant-Appellant.

No. 15-30032

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Submitted August 9, 2017 *

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Filed August 17, 2017

Appeal from the United States District Court for the District of Montana, Sam E. *232 Haddon, District Judge, Presiding, D.C. No. 4:08-cr-00051-SEH

Attorneys and Law Firms

Joseph E. Thaggard, Assistant U.S. Attorney, USMI—Office of the U.S. Attorney, Missoula, MT, Leif Johnson, Assistant U.S. Attorney, Office of the US Attorney, Billings, MT, for Plaintiff-Appellee

Anthony Francis Book, Pro Se

Before: SCHROEDER, TASHIMA, and M. SMITH,
Circuit Judges.

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.

MEMORANDUM **

Anthony Francis Book appeals from the district court's order denying his 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.

Book contends that he is entitled to a sentence reduction under Amendment 782 to the Sentencing Guidelines. We review de novo whether a district court had authority to modify a sentence under section 3582(c)(2). See *United States v. Leniear*, 574 F.3d 668, 672 (9th Cir. 2009). The record makes clear that the district court imposed Book's sentence for reasons unrelated to the guideline range lowered by Amendment 782. Because Book's sentence was not "based on a sentencing range that has subsequently been lowered by the Sentencing Commission," 18 U.S.C. § 3582(c)(2), the district court properly concluded that he was ineligible for a sentence reduction. See *United States v. Rodriguez-Soriano*, 855 F.3d 1040, 1045-46 (9th Cir. 2017). Moreover, contrary to Book's contention, the district court had no cause to consider his arguments that a reduction was warranted under the 18 U.S.C. § 3553(a) factors. See *Dillon v. United States*, 560 U.S. 817, 826-27, 130 S.Ct. 2683, 177 L.Ed.2d 271 (2010).

Book's motion for the appointment of new counsel is denied.

AFFIRMED.

All Citations

696 Fed.Appx. 231 (Mem)

UNITED STATES DISTRICT COURT

for the

District of Montana

FILED

FEB 04 2015

United States of America
v.
ANTHONY FRANCIS BOOK

Clerk, U.S. District Court
District Of Montana
Helena

Case No: CR 08-51-GF-SEH-01

USM No: 10029-046

Date of Original Judgment: 08/28/2008

Date of Previous Amended Judgment:

(Use Date of Last Amended Judgment if Any)

Mark D. Meyer (Appointed)

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

(Complete Parts I and II of Page 2 when motion is granted)

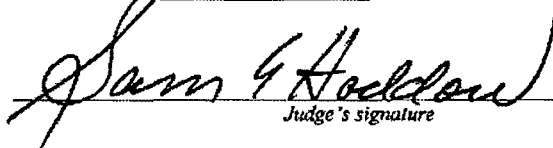
The Court has reviewed Defendant's Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582 and Retroactive Amendment 782, U.S.S.G. (Doc. 60) and has determined the Defendant is ineligible for sentence reduction.

Except as otherwise provided, all provisions of the judgment dated 08/28/2008 shall remain in effect.

IT IS SO ORDERED.

Order Date: 02/04/2015

Effective Date: _____
(if different from order date)


Judge's signature

Sam E. Haddon, United States District Judge

Printed name and title

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Clerk's Office.**