

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 15-50815
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
February 4, 2016

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ROBERT BARRY SALTER,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:09-CR-191

Before DAVIS, JONES, and HAYNES, Circuit Judges.

PER CURIAM:*

Robert Barry Salter, federal prisoner # 53001-280, has moved for leave to proceed in forma pauperis (IFP) on appeal from the district court's denial of his 18 U.S.C. § 3582(c)(2) motion for a sentence reduction based on Amendment 782 to the Sentencing Guidelines. Under § 3582(c)(2), a district court may reduce a defendant's sentence if he was sentenced to a term of imprisonment based on a sentencing range that subsequently was lowered by

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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the Sentencing Commission. Amendment 782 did not reduce Salter's guidelines sentencing range, and so he was ineligible for a sentencing reduction. *See* U.S.S.G. § 1B1.10(a)(2) & comment. (n.1(A)); *United States v. Bowman*, 632 F.3d 906, 910-11 (5th Cir. 2011). Moreover, he has not demonstrated that the district court abused its discretion in determining that the seriousness of Salter's offense and the need to protect the public did not warrant a sentence below the varied sentence that he received. *See United States v. Henderson*, 636 F.3d 713, 717 (5th Cir. 2011).

Salter's appeal does not present a nonfrivolous issue and has not been brought in good faith. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). The motion for leave to proceed IFP is DENIED, and the appeal is DISMISSED as frivolous. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.24 (5th Cir. 1997); 5TH CIR. R. 42.2.