

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with
Fed. R. App. P. 32.1

United States Court of Appeals

**For the Seventh Circuit
Chicago, Illinois 60604**

Submitted December 11, 2008*

Decided December 29, 2008

Before

JOHN L. COFFEY, *Circuit Judge*

JOEL M. FLAUM, *Circuit Judge*

MICHAEL S. KANNE, *Circuit Judge*

No. 08-1822

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

BRUCE JOHNSON,
Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Illinois.

No. 04 CR 40013

J. Phil Gilbert,
Judge.

ORDER

Bruce Johnson pleaded guilty and was sentenced to 100 months' imprisonment for conspiracy to distribute crack cocaine. *See* 21 U.S.C. §§ 841, 846. After the United States

* After examining the briefs and record, we have concluded that oral argument is unnecessary. Thus, the appeal is submitted on the briefs and the record. *See* FED. R. APP. P. 34(a)(2).

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Sentencing Guidelines were amended to reduce the penalties for crack cocaine offenses, *see* U.S.S.G. App. C, Supp. 2007, amend. 706, Johnson asked the district court to reduce his sentence pursuant to 18 U.S.C. § 3582(C), and the court appointed counsel. His attorney moved for a reduced sentence, and the district court reduced his sentence to 84 months' imprisonment.

Johnson does not challenge the district court's reasoning in imposing this sentence. *See* FED. R. APP. P. 28(a)(9)(A); *Anderson v. Hardman*, 241 F.3d 544, 545-46 (7th Cir. 2001). Instead, he argues that his counsel was ineffective for seeking a reduced sentence instead of a full resentencing. We have previously held that a prisoner seeking a sentence reduction does not have a right to appointed counsel. *See* *Pruitt v. Mote*, 503 F.3d 647, 657 (7th Cir. 2007); *United States v. Tidwell*, 178 F.3d 946, 949 (7th Cir. 1999). But even if Johnson had a right to effective assistance of counsel in his § 3582(C) proceeding, an attack on counsel's effectiveness is more properly brought on collateral attack than on direct appeal. *See* 28 U.S.C. § 2255; *Massaro v. United States*, 538 U.S. 500, 504 (2003); *United States v. Jackson*, Nos. 07-1449 & 07-1577, 2008 WL 4553061, at *9 (7th Cir. Oct. 14, 2008). If Johnson wishes to raise that argument he may do so on collateral attack. The appeal is therefore

DISMISSED.