

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 09-2423

United States of America,

Appellee,

v.

George E. Brown,

Appellant.

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* Appeal from the United States
* District Court for the
* Western District of Missouri.
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* [UNPUBLISHED]
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Submitted: March 16, 2010

Filed: March 26, 2010

Before BYE, RILEY, and SHEPHERD, Circuit Judges.

PER CURIAM.

George Brown appeals following the district court's¹ reduction of his sentence pursuant to 18 U.S.C. § 3582(c)(2) and Guidelines Amendment 706, related to cocaine base. Brown--who was originally sentenced to 240 months in prison, in the middle of his original Guidelines range--was resentenced to 192 months in prison, in the middle of his amended Guidelines range. On appeal, Brown challenges the extent of the sentence reduction, as well as aspects of his trial, the original sentencing procedures, and the resentencing procedures.

¹The Honorable Catherine D. Perry, Chief Judge, United States District Court for the Eastern District of Missouri.

Upon consideration of the arguments raised in both counsel's brief and Brown's pro se brief, we find no basis for reversal. See United States v. Starks, 551 F.3d 839, 842-43 (8th Cir.) (discussing narrow scope of sentence reductions under § 3582(c)(2) and inapplicability of United States v. Booker, 543 U.S. 220 (2005); district court correctly determined it lacked authority to reduce sentence below amended Guidelines range unless defendant was originally sentenced below original Guidelines range; district court not required to hold hearing in § 3582(c)(2) proceeding), cert. denied, 129 S. Ct. 2746 (2009); see also United States v. Harris, 574 F.3d 971, 972 (8th Cir. 2009) (proceedings under § 3582(c)(2) do not constitute full resentencing).

Accordingly, we grant counsel's motion to withdraw, we affirm, and we deny Brown's pending motion as moot.
