

February 22, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-10996
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE ANGEL CASTORENA,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:92-CR-155-Y

Before BARKSDALE, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:*

Jose Angel Castorena, federal prisoner #23875-077, appeals the denial of his motion for reduction of sentence under 18 U.S.C. § 3582(c)(2). He argues that he is entitled to a reduced sentence under Amendment 505 to the Sentencing Guidelines and the Supreme Court's decisions in Blakely v. Washington, 124 S. Ct. 2531 (2004), and United States v. Booker, 125 S. Ct. 738 (2005).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

A district court exercises sound discretion in determining whether to grant a 18 U.S.C. § 3582(c)(2) motion, and we review its decision for abuse of discretion only. United States v. Gonzalez-Balderas, 105 F.3d 981, 982 (5th Cir. 1997). The district court did not abuse its discretion in denying Castorena's motion. This court's previous opinion denying relief under § 3582(c)(2) with respect to Douglas's Amendment 505 claim is the law of the case. See United States v. Becerra, 155 F.3d 740, 752 (5th Cir. 1998). Castorena's Blakely and Booker claims are not cognizable in the context of a 18 U.S.C. § 3582(c)(2) motion because neither case is based on a retroactive amendment to the Guidelines. See United States v. Shaw, 30 F.3d 26, 29 (5th Cir. 1994).

AFFIRMED.