

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

United States Court of Appeals
Fifth Circuit

FILED

October 27, 2010

Lyle W. Cayce
Clerk

No. 08-10612
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

v.

CARLOS GLASPIE,

Defendant–Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:01-CR-173-1

Before WIENER, PRADO, and OWEN, Circuit Judges.

PER CURIAM:*

Carlos Glaspie, federal prisoner # 27622-177, appeals the district court’s denial of his motion to reduce his sentence under 18 U.S.C. § 3582(c)(2). Glaspie pleaded guilty to conspiracy to distribute in excess of 50 grams of cocaine base (crack) and to being a felon in possession of a firearm and was sentenced to a term of 235 months in prison on the drug count and to a term of 120 months on the firearm count, the terms to run concurrently. Glaspie sought the reduction

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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based on amendments to the Sentencing Guidelines that reduced the offense levels for crimes involving crack cocaine.

Liberally construed, Glaspie argues that his sentence is greater than necessary to achieve the goals of 18 U.S.C. § 3553(a) because the court gave inadequate weight to his post-incarceration conduct and overstated the seriousness of his offense, his criminal history, and his potential danger to society. The decision whether to reduce a sentence under § 3582(c)(2) is reviewed for abuse of discretion. *United States v. Evans*, 587 F.3d 667, 672 (5th Cir. 2009), *cert. denied*, 130 S. Ct. 3462 (2010). Under that standard, we may not substitute our judgment for that of the sentencing court. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The district court did not abuse its discretion but gave due consideration to the motion as a whole and the § 3553(a) factors. *See United States v. Whitebird*, 55 F.3d 1007, 1010 (5th Cir. 1995); *United States v. Shaw*, 30 F.3d 26, 29 (5th Cir. 1994) (per curiam) (affirming the denial of a § 3582(c)(2) motion where “implicitly, the district court considered at least some of the factors set forth in § 3553(a)”).

The judgment of the district court is AFFIRMED. The Government’s motion for summary affirmance is GRANTED, and its alternate request for an extension of time in which to file a brief is DENIED.