

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 20, 2009

Charles R. Fulbruge III
Clerk

No. 08-31192

Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MICHAEL BELL,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 3:93-CR-30033-2

Before WIENER, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Michael Bell appeals the sentence imposed following the district court's reduction of his sentence pursuant to 18 U.S.C. § 3582(c)(2). Bell argues that the holding in *United States v. Booker*, 543 U.S. 220 (2005), applies in § 3582(c)(2) proceedings and that the district court abused its discretion by not imposing a sentence below the amended guidelines sentencing range. Bell's arguments are foreclosed by *United States v. Dublin*, 572 F.3d 235, 236-39 (5th Cir. 2009), *petition for cert. filed* (Sept. 21, 2009) (No. 09-6657).

AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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