

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

United States Court of Appeals
Fifth Circuit

FILED

October 8, 2010

Lyle W. Cayce
Clerk

No. 08-41220

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff–Appellee

v.

JOHN LANDRIO,

Defendant–Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:01-CR-217-ALL

Before WIENER, PRADO, and OWEN, Circuit Judges.

PER CURIAM:*

John Landrio, federal prisoner # 09217-078, was convicted of one count of possession of five or more grams of crack cocaine with intent to distribute and was sentenced to serve 188 months in prison and a five-year term of supervised release. This court is now presented with Landrio's appeal from the district court's denial of his motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2). He argues that the denial was improper because he was not sentenced as a career offender and because the district court gave no reasons for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the denial. Alternatively, he contends that he did not qualify for sentencing as a career offender.

None of Landrio's arguments suffice to show that the district court abused its discretion in connection with its denial of his § 3582(c) motion. *United States v. Evans*, 587 F.3d 667, 672 (5th Cir. 2009), *cert. denied*, 130 S. Ct. 3462 (2010). Insofar as Landrio contends that he was not sentenced as a career offender, our review of the record and his arguments refutes this assertion.

The district court was under no obligation to give reasons to support its denial of the motion. *United States v. Cooley*, 590 F.3d 293, 298 (5th Cir. 2009). Consequently, Landrio is not entitled to relief because the district court gave no reasons for denying his motion. Finally, the instant § 3582 motion is not a proper vehicle for Landrio's argument that he does not qualify for sentencing as a career offender. *United States v. Whitebird*, 55 F.3d 1007, 1011 (5th Cir. 1995).

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.