

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

United States Court of Appeals
Fifth Circuit

FILED

January 27, 2010

Charles R. Fulbruge III
Clerk

No. 08-50751

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JASON JEROME WILLIAMS,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:07-CR-15-2

Before REAVLEY, DAVIS, and HAYNES, Circuit Judges.

PER CURIAM:*

Jason Jerome Williams appeals the district court's denial of his motion to reduce his sentence under 18 U.S.C. § 3582(c)(2). Williams pleaded guilty to possession with intent to distribute crack cocaine and was sentenced to 51 months of imprisonment after receiving a downward departure under U.S.S.G. § 5K1.1. Williams sought the reduction based on amendments to the Sentencing Guidelines that reduced the offense levels for crimes involving crack cocaine. His 51-month sentence was at the top of the amended guideline range.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Williams contends 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. Dublin*, 572 F.3d 235, 237 (5th Cir.), *cert. denied*, 130 S. Ct. 517 (2009). Under that well-established standard, we may not simply substitute our judgment for that of the sentencing court. *Rita v. United States*, 551 U.S. 338, 364 (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) (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)”). Williams merely asks us to substitute his opinion of the sentence for the district court’s opinion. We may not do so. *See Rita*, 551 U.S. at 364. The judgment of the district court is AFFIRMED.