

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

United States Court of Appeals
Fifth Circuit

FILED

June 18, 2010

Lyle W. Cayce
Clerk

No. 09-30960

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JACOB LEWIS, also known as Black,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:04-CR-160-2

Before GARZA, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:*

Jacob Lewis, federal prisoner # 28921-034, was convicted of conspiracy to distribute and possess with intent to distribute five kilograms or more of cocaine hydrochloride and 50 grams or more of cocaine base. The district court sentenced Lewis to 210 months of imprisonment. Lewis filed a motion to reduce his sentence under 18 U.S.C. § 3582(c)(2), based on the crack cocaine amendments to the Sentencing Guidelines. The district court reduced Lewis's sentence to 170 months. Lewis appeals the district court's denial of his

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

subsequent “motion to reiterate,” which requested a further sentence reduction pursuant to § 3582(c)(2), based on the same crack cocaine guideline amendment. The district court did not abuse its discretion or commit procedural error in denying relief. *See United States v. Evans*, 587 F. 3d 667, 673-74 (5th Cir. 2009), *petition for cert. filed* (Jan. 28, 2010) (No. 09-8939).

The judgment of the district court is AFFIRMED.