

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

United States Court of Appeals
Fifth Circuit

FILED

August 17, 2010

Lyle W. Cayce
Clerk

No. 10-30112

Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LEE DELL NATION, JR., also known as Pop, also known as Doom,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 3:02-CR-30043-1

Before DAVIS, SMITH, and WIENER, Circuit Judges.

PER CURIAM:*

Lee Dell Nation, Jr., federal prisoner # 11578-035, appeals the district court's imposition of a reduced sentence pursuant to 18 U.S.C. § 3582(c)(2), based on the amendments to the Guideline governing cocaine base. Although the district court reduced Nation's sentence from 235 months to 188 months, at the bottom of the newly applicable guidelines range, Nation argues that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the district court had the discretion to depart from the amended guidelines range. He further argues

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

that 28 U.S.C. § 994(u) does not grant the Sentencing Commission authority to bind the district court's discretion in § 3582(c)(2) cases.

We review a district court's decision whether to reduce a sentence under § 3582(c)(2) for an abuse of discretion, and its interpretation of the Sentencing Guidelines is reviewed de novo. *United States v. Dublin*, 572 F.3d 235, 237 (5th Cir.), *cert. denied*, 130 S. Ct. 517 (2009). *Booker* is inapplicable to sentence reductions under § 3582(c)(2), and a district court may not reduce a sentence below the minimum provided in the amended guidelines range. *Id.* at 238. Consequently, the judgment of the district court is AFFIRMED.