

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

United States Court of Appeals
Fifth Circuit

FILED

April 19, 2013

Lyle W. Cayce
Clerk

No. 12-30767

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

v.

RAY HATTON, JR.,

Defendant–Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:08-CR-109-1

Before HIGGINBOTHAM, OWEN, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Ray Hatton, Jr., federal prisoner # 13987-035, appeals the denial of his motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2). He pleaded guilty to using a facility in interstate commerce to attempt to coerce a minor to engage in criminal sexual acts and was sentenced to 65 months in prison.

On appeal, Hatton contends that he is entitled to resentencing under Amendment 732 to the Sentencing Guidelines. The district court is authorized to reduce a sentence based on a sentencing range that subsequently was lowered

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 12-30767

by the Sentencing Commission only if the amendment to the Guidelines is listed in § 1B1.10(c) of the Guidelines. *See* 18 U.S.C. § 3582(c)(2); UNITED STATES SENTENCING GUIDELINES MANUAL § 1B1.10(a) & cmt. n.1 (2004). Amendment 732 is not listed in § 1B1.10(c). Accordingly, the district court's denial of Hatton's motion was not an abuse of discretion. *See* UNITED STATES SENTENCING GUIDELINES MANUAL § 1B1.10 cmt. n.1 (2004); *United States v. Drath*, 89 F.3d 216, 217-18 (5th Cir. 1996).

AFFIRMED.