

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

No. 15-10596
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 3, 2015

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

versus

DAVID ALONZO,

Defendant–Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:12-CR-180

Before HIGGINBOTHAM, SMITH, and OWEN, Circuit Judges.

PER CURIAM:*

David Alonzo, federal prisoner # 44847-177, seeks leave to proceed *in*

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 15-10596

forma pauperis (“IFP”) on appeal of the denial of his 18 U.S.C. § 3582(c)(2) motion to reduce his sentence based on retroactive amendment 782 to U.S.S.G. § 2D1.1. By moving to proceed IFP, Alonzo is challenging the district court’s certification that his appeal was not taken in good faith because it is frivolous. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

Under § 3582(c)(2), a sentence may be modified if it is based on a sentencing range that subsequently was lowered by the Sentencing Commission. The district court did not err in concluding that Alonzo’s range was not lowered by amendment 782.

Alonzo has failed to show that he will raise a nonfrivolous issue on appeal. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). Accordingly, the motion to proceed IFP is DENIED, and the appeal is DISMISSED. *See Baugh*, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2.