

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

No. 16-10132
Summary Calendar

United States Court of Appeals
Fif h Circuit

FILED

January 5, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

PEDRO LOPEZ-MAYA,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:13-CR-200-2

Before STEWART, Chief Judge, and CLEMENT and SOUTHWICK, Circuit
Judges.

PER CURIAM:*

Pedro Lopez-Maya, federal prisoner # 47110-177, appeals the denial of his 18 U.S.C. § 3582(c)(2) motion wherein he requested a reduction in his 135-month sentence in light of Amendment 782 to the Sentencing Guidelines. He argues that, because he qualified for a reduction based on that amendment and in light of his post-sentencing rehabilitation, the district court abused its

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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discretion by failing to grant the motion and reduce his sentence to the low end of the amended guidelines range.

Section 3582(c)(2) permits the discretionary modification of a defendant's sentence in certain cases in which the guidelines range has been subsequently lowered by the Sentencing Commission. *United States v. Dublin*, 572 F.3d 235, 237 (5th Cir. 2009). The district court's decision whether to reduce a sentence under § 3582(c)(2) is reviewed for an abuse of discretion, while the court's interpretation of the Guidelines is reviewed de novo. *United States v. Evans*, 587 F.3d 667, 672 (5th Cir. 2009).

A defendant is eligible for a reduction only if the amendment lowers the defendant's applicable guidelines range. § 3582(c)(2). Because the district court considered the amended guidelines range under Amendment 782 at Lopez-Maya's initial sentencing, it did not abuse its discretion by denying him a further reduction under § 3582(c)(2). *See Evans*, 587 F.3d at 673.

AFFIRMED.