

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

No. 17-40295
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 14, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

EDEN FLORES, SR.,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:07-CR-144-2

Before KING, ELROD, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Eden Flores, Sr., appeals the district court's denial of his 18 U.S.C. § 3582(c)(2) motion to reduce his concurrent life sentences on his jury trial convictions for conspiracy to possess with intent to distribute approximately 201 kilograms of cocaine and for possession with intent to distribute approximately 201 kilograms of cocaine. Flores sought relief under Amendment 782 to the Sentencing Guidelines, which modified the drug

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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quantity table set out in U.S.S.G. § 2D1.1(c) and effectively lowered most drug-related base offense levels by two levels.

When considering a reduction under § 3582(c)(2), a district court must substitute the retroactive amendment “for the corresponding guideline provisions” while leaving “all other guideline application decisions unaffected.” U.S.S.G. § 1B1.10(b)(1), p.s.; *see Dillon v. United States*, 560 U.S. 817, 827 (2010). The district court correctly determined that the revised total offense level for Flores’s drug trafficking convictions was 46. Amendment 782 consequently results in no change in Flores’s drug trafficking sentences because, even factoring in the amendment’s reduction of the base offense level, Flores has a total offense level that corresponds to life imprisonment, i.e., to the original sentences imposed. The district court therefore did not abuse its discretion in denying the § 3582(c)(2) motion. *See United States v. Henderson*, 636 F.3d 713, 717 (5th Cir. 2011). Flores’s motion to decide the appeal as being unopposed by the Government is DENIED.

AFFIRMED.