

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

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No. 17-60673  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

October 23, 2018

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MELVIN EUGENE SUMMERS,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 1:15-CR-32-1

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Before HIGGINBOTHAM, ELROD, and DUNCAN, Circuit Judges.

PER CURIAM:\*

Melvin Eugene Summers, federal prisoner # 18318-043, appeals the district court's denial of his motion for a sentence reduction pursuant 18 U.S.C. § 3582(c)(2). He sought the reduction under Amendment 782 of the Sentencing Guidelines, effective November 1, 2014. *See* U.S.S.G. App. C, Amend. 782. The Government moves for summary affirmance.

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Section 3582(c)(2) permits the discretionary modification of a sentence “in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission” if such a reduction is consistent with applicable policy statements issued by the Commission. § 3582(c)(2); *Dillon v. United States*, 560 U.S. 817, 824-25 (2010). A defendant is eligible for a reduction if the range originally applicable to him was lowered by an amendment. *See* U.S.S.G. § 1B1.10(a)(1), p.s. (2014). Because Summers was sentenced after the effective date of the amendment and was afforded the full benefit of Amendment 782, his sentencing range was not lowered as a result of it, and he was not eligible for a reduction under § 3582(c)(2). *See Dillon*, 560 U.S. at 824-26.

The judgment of the district court is AFFIRMED. The Government’s motion for summary affirmance is GRANTED.