

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-40665
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GERALD MILES CRAVEN, JR., and
SHANE CRAVEN,

Defendants-Appellants.

- - - - -
Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:90-CR-50007
- - - - -

(March 22, 1995)

Before GARWOOD, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

An 18 U.S.C. § 3582(c)(2) motion applies only to guideline amendments which operate retroactively, as listed in the policy statement to U.S.S.G. § 1B1.10(d). United States v. Miller, 903 F.2d 341, 349 (5th Cir. 1990). Although the Defendants argue that amendment 484 should apply to their sentences, their argument actually challenges the stipulations in their plea agreements that the amount of methamphetamine to be produced as a

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

result of the conspiracy was at least 10 but less than 30 kilograms.

Section 3582(c)(2) specifically applies to sentences under the sentencing guidelines. See 18 U.S.C. § 3582(c)(2). This section does not address a defendant's challenge to an agreed-upon drug quantity contained in a plea agreement. The Defendants were sentenced based upon their plea agreements and upon the amount of drugs for which they had bargained. The amount of drugs upon which the Defendants were sentenced was a part of their bargains and thus not subject to retroactivity. Accordingly, the Defendants' challenge to their plea agreements is not cognizable under § 3582(c)(2). The district court thus did not abuse its discretion by denying the Defendants' motion to reduce sentence pursuant to 18 U.S.C. § 3582. See United States v. Shaw, 30 F.3d 26, 27-28 (5th Cir. 1994).

AFFIRMED.