

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

United States Court of Appeals  
Fifth Circuit

**FILED**

May 18, 2011

Lyle W. Cayce  
Clerk

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No. 10-50962  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LEYUMBA WEBB,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:02-CR-301-1

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Before REAVLEY, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Leyumba Webb, federal prisoner # 28913-180, appeals the district court's denial of his 18 U.S.C. § 3582(c)(2) motion to reduce his 210-month sentence for possession of crack cocaine with intent to distribute. Webb argues that, even though he was sentenced as a career offender, the district court erred by ruling that it had no authority to reduce his sentence based upon the crack cocaine amendments because *United States v. Booker*, 543 U.S. 220 (2005), allows district courts to sentence defendants below guidelines ranges based upon career

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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offender enhancements. He maintains that the Fair Sentencing Act also gave the district court authority to reduce his sentence.

The crack cocaine amendments did not give the district court authority to reduce Webb's sentence under § 3582(c)(2) because Webb was sentenced as a career offender, and "[t]he crack cocaine guideline amendments do not apply to prisoners sentenced as career offenders." *United States v. Anderson*, 591 F.3d 789, 791 (5th Cir. 2009). While *Booker* allowed district courts to sentence career offenders below their guidelines sentence ranges, *Booker* did not give the district court authority to reduce Webb's sentence because *Booker* does not apply in § 3582(c)(2) proceedings. *See United States v. Dublin*, 572 F.3d 235, 237-39 (5th Cir.), *cert. denied*, 130 S. Ct. 517 (2009). The Fair Sentencing Act did not give the district court authority to reduce Webb's sentence because Webb was sentenced and had filed his direct appeal before its passage, and the Fair Sentencing Act does not apply retroactively. *See United States v. Doggins*, \_\_\_ F.3d \_\_\_, 2011 WL 438935, at \*4 (5th Cir. Feb. 9, 2011).

AFFIRMED.