

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

December 6, 2023

Lyle W. Cayce
Clerk

No. 23-40455
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ALEJANDRO JESUS QUINTERO-REYES,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:19-CR-1613-7

Before WILLETT, DUNCAN, and DOUGLAS, *Circuit Judges*.

PER CURIAM:*

Alejandro Jesus Quintero-Reyes, federal prisoner # 99374-479, appeals the denial of his motion for a sentence reduction, filed pursuant to 18 U.S.C. § 3582(c)(2), based upon Amendment 782 to the Sentencing Guidelines, and also appeals his postjudgment motion for reconsideration. Quintero-Reyes contends that the district court abused its discretion in

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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denying his motions because he is eligible for a reduction pursuant to the amendment and the 18 U.S.C. § 3553(a) sentencing factors.

The record reflects that Quintero-Reyes was sentenced after Amendment 782's effective date and that he received the benefit of this amendment in the calculation of the applicable guidelines range. Thus, he was not "sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission," § 3582(c)(2), and he was thus ineligible for the claimed sentence reduction, *Dillon v. United States*, 560 U.S. 817, 825-26 (2010). Accordingly, the district court did not abuse its discretion in denying Quintero-Reyes's motions seeking a reduction and reconsideration. *See United States v. Henderson*, 636 F.3d 713, 717 (5th Cir. 2011).

AFFIRMED.