

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

August 18, 2021

Lyle W. Cayce  
Clerk

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No. 20-40664  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

RAUL PINEDA,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:10-CR-70-5

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Before SMITH, STEWART, and GRAVES, *Circuit Judges.*

PER CURIAM:\*

In 2011 Raul Pineda, federal prisoner 64133-179, was convicted of one count of conspiring to possess with intent to distribute 500 grams or more of a substance containing methamphetamine, 50 grams or more of actual methamphetamine, and five kilograms or more of a substance containing a

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-40664

detectable amount of cocaine. He was sentenced to serve a within-guidelines term of 360 months in prison and a five-year term of supervised release. Now, he appeals the district court's denial of his 18 U.S.C. § 3582(c)(2) motion for a sentence reduction, which was based on Amendment 782 to the Sentencing Guidelines.

When considering a § 3582(c)(2) motion, the district court first asks whether the defendant is eligible for a reduction and the extent of the reduction authorized under U.S.S.G. § 1B1.10. *Dillon v. United States*, 560 U.S. 817, 826-27 (2010). If the defendant is eligible for a reduction, then the court then asks whether, as a matter of discretion, one is warranted. *Id.* at 827. The district court did not err when it determined that Pineda was ineligible for a reduction. Consequently, the judgment is AFFIRMED.