

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-50674  
Conference Calendar

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UNITED STATES of AMERICA,

Plaintiff-Appellee,

versus

PATRICIA MILICIA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. A-89-CR-173-02  
- - - - -

June 27, 1995

Before JONES, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Section 3582(c)(2) of Title 18 gives a district court the  
discretion to modify 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 pursuant to 28 U.S.C. 994(o), upon motion of  
the defendant or the Director of the Bureau of Prisons,  
or on its own motion, . . . .

This court reviews challenges to the district court's decision  
under § 3582(c)(2) for abuse of discretion. See United States v.

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\* 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that this opinion should not be published.

Shaw, 30 F.3d 26, 28 (5th Cir. 1994).

Section 3582(c)(2) specifically applies to sentences under the sentencing guidelines. Milicia's sentence was not calculated under the guidelines. Milicia was sentenced to a specified ten-year term pursuant to her plea agreement. Section 3582(c)(2) does not apply to a defendant's request to reduce a sentence for a specified term contained in a plea agreement. The district court's order denying her motion to reduce sentence is AFFIRMED.