

AUG 17 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSE CHAVEZ-VASQUEZ,

Defendant - Appellant.

No. 08-10355

D.C. No. 2:92-cr-00277-DAE

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
David A. Ezra, District Judge, Presiding

Submitted August 11, 2009**

Before: KLEINFELD, M. SMITH, and IKUTA, Circuit Judges.

Jose Chavez-Vasquez appeals pro se from the district court's order denying his motion for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Chavez-Vasquez contends that the district court erred by concluding that he was not eligible for a sentence reduction under 18 U.S.C. § 3582(c)(2). Because Chavez-Vasquez was sentenced pursuant to the statutory minimum sentence, the district court did not err. *See United States v. Paulk*, 569 F.3d 1094, 1095 (9th Cir.) (per curiam), as amended, No. 08-50229, 2009 WL 2393222 (Aug. 6, 2009).

AFFIRMED.