

MAR 26 2010

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NOT FOR PUBLICATION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.

CHARLES MOORE,

Defendant - Appellant.

No. 09-10241

D.C. No. 2:98-CR-00025-PMP

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Philip M. Pro, District Judge, Presiding

Submitted March 16, 2010**

Before: SCHROEDER, PREGERSON, and RAWLINSON, Circuit Judges.

Charles Moore appeals from the district court's order denying his motion for a sentence reduction 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 concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Moore contends that the district court erred by failing to reduce his sentence pursuant to Amendment 706 of the United States Sentencing Guidelines. This contention fails because Moore was sentenced as a career offender pursuant to U.S.S.G. § 4B1.1. *See United States v. Wesson*, 583 F.3d 728, 731-32 (9th Cir. 2009).

AFFIRMED.