

DEC 27 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>ANTHONY LEON JOHNSON,</p> <p>Defendant - Appellant.</p>
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No. 11-10085

D.C. No. 1:03-cr-05053-AWI

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Anthony W. Ishii, Chief Judge, Presiding

Submitted December 19, 2011\*\*

Before: GOODWIN, WALLACE, and McKEOWN, Circuit Judges.

Anthony Leon Johnson appeals from the denial of his motion to reconsider his 240-month sentence. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

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\* 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).

Johnson contends that the district court improperly denied his motion to reconsider his sentence pursuant to 18 U.S.C. § 3582(c) by failing to consider a sentence outside of the career offender guidelines. The district court did not have jurisdiction to resentence Johnson based on his § 3582(c) motion because Johnson was sentenced pursuant to Guideline § 4B1.1. *See United States v. Wesson*, 583 F.3d 728, 730-32 (9th Cir. 2009).

Johnson also contends that his sentence was substantively unreasonable. In Johnson's previous appeal, this court already determined that his 240-month sentence was reasonable.

**AFFIRMED.**