

MAR 13 2012

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NOT FOR PUBLICATION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.

BOBBY DARNELL GWINN,

Defendant - Appellant.

No. 11-30121

D.C. No. 2:01-cr-00356-MJP

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Marsha J. Pechman, Chief Judge, Presiding

Submitted March 6, 2012**

Before: B. FLETCHER, REINHARDT, and TASHIMA, Circuit Judges.

Bobby Darnell Gwinn appeals pro se from the district court's order denying his 18 U.S.C. § 3582(c)(2) motion for reduction of sentence. We have jurisdiction under 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).

Gwinn contends that the district court abused its discretion by declining to reduce his sentence based on the retroactive amendments to the Sentencing Guidelines that lowered penalties for crack cocaine offenses. The district court correctly concluded that Gwinn is not eligible for a sentence reduction because he is a career offender who was sentenced pursuant to U.S.S.G. § 4B1.1. *See United States v. Wesson*, 583 F.3d 728, 731 (9th Cir. 2009).

To the extent that Gwinn raises additional claims to support his request for a sentence reduction, those claims are not cognizable in a motion under section 3582(c)(2).

We decline to consider arguments raised by Gwinn for the first time in his reply brief. *See United States v. Anderson*, 472 F.3d 662, 668 (9th Cir. 2006).

AFFIRMED.