

JUN 24 2013

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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NOT FOR PUBLICATION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 style="text-align: center;">Plaintiff - Appellee,</p> <p style="text-align: center;">v.</p> <p>JOSE CAIN PARTIDA-VARGAS,</p> <p style="text-align: center;">Defendant - Appellant.</p>
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No. 12-10235

D.C. No. 1:99-cr-05281-LJO

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence J. O’Neill, District Judge, Presiding

Submitted June 18, 2013**

Before: TALLMAN, M. SMITH, and HURWITZ, Circuit Judges.

Jose Cain Partida-Vargas appeals from the district court’s order denying his 18 U.S.C. § 3582(c)(2) motion for reduction of his custodial sentence. We dismiss.

Partida-Vargas contends that the district court erred in denying his motion

* 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).

for a sentence reduction. Because Partida-Vargas has finished serving his “term of imprisonment,” he is no longer eligible for relief under section 3582(c)(2). *See* 18 U.S.C. § 3582(c)(2) (allowing the district court to reduce the “term of imprisonment” when the defendant was sentenced based upon a sentencing range which has been subsequently lowered). Accordingly, we dismiss this appeal as moot. *See United States v. Strong*, 489 F.3d 1055, 1059 (9th Cir. 2007).

DISMISSED.