

MAY 22 2014

MOLLY C. DWYER, CLERK
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NOT FOR PUBLICATION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>JORGE ROCA-SUAREZ, a.k.a. George Roca, a.k.a. Jorge Roca,</p> <p style="text-align: center;">Defendant - Appellant.</p>
--

No. 13-50393

D.C. No. 2:90-cr-00877-SVW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Stephen V. Wilson, District Judge, Presiding

Submitted May 13, 2014**

Before: CLIFTON, BEA, and WATFORD, Circuit Judges.

Jorge Roca-Suarez appeals pro se from the district court’s order denying his motion for a sentence reduction under 18 U.S.C. § 3582(c)(2). 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).

Roca-Suarez contends that he is entitled to a sentence reduction under Amendment 591 to the Sentencing Guidelines. We review de novo whether a district court had authority to modify a sentence under section 3582(c)(2). *See United States v. Leniear*, 574 F.3d 668, 672 (9th Cir. 2009). Contrary to Roca-Suarez's contention, Amendment 591 did not alter the Guidelines section applicable to his offense of conviction or the calculation of his Guidelines range under U.S.S.G. § 2D1.1. *See* U.S.S.G. app. C, amend. 591 (Supp. 2003); *see also United States v. McEnry*, 659 F.3d 893, 898-99 (9th Cir. 2011) (discussing changes made by Amendment 591). Because Amendment 591 did not lower Roca-Suarez's Guidelines range, the district court lacked authority to reduce his sentence. *See* 18 U.S.C. § 3582(c)(2); *Leniear*, 574 F.3d at 674.

Roca-Suarez also contends that the district court erred by failing to explain the reasons for its denial of his motion. Because the court had no authority to modify Roca-Suarez's sentence, however, its summary denial was not improper.

AFFIRMED.