

SEP 25 2015

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NOT FOR PUBLICATION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.

ANGELLA LEANN PARKER,

Defendant - Appellant.

No. 14-30245

D.C. No. 2:11-cr-00027-DWM

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Donald W. Molloy, District Judge, Presiding

Submitted September 21, 2015**

Before: REINHARDT, LEAVY, and BERZON, Circuit Judges.

Angella Leann Parker appeals pro se from the district court's order denying her motion for a sentence reduction under 18 U.S.C. § 3582(c)(2). We have jurisdiction under 28 U.S.C. § 1291. We review de novo whether a district court has authority to modify a sentence under section 3582(c)(2), *see United States v.*

* 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).*

Leniear, 574 F.3d 668, 672 (9th Cir. 2009), and we affirm.

Parker argues that she is eligible for a sentence reduction under Amendment 782 to the Sentencing Guidelines. The district court properly concluded that Parker is ineligible for a sentence reduction because her sentence is already below the amended Guidelines range, and the government did not file a motion for substantial assistance. *See* U.S.S.G. § 1B1.10(b)(2) (unless the government filed a motion for substantial assistance, the district court shall not reduce a defendant's term of imprisonment under § 3582(c)(2) to a term below the amended Guidelines range); *United States v. Davis*, 739 F.3d 1222, 1224 (9th Cir. 2014).

All pending motions are denied as moot.

AFFIRMED.