

DEC 20 2016

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NOT FOR PUBLICATION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.

EDDIE RAY HALL, a.k.a. Eddy R. Hall,

Defendant-Appellant.

No. 16-30038

D.C. No. 2:09-cr-00116-RHW

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Robert H. Whaley, District Judge, Presiding

Submitted December 14, 2016 **

Before: WALLACE, LEAVY, and FISHER, Circuit Judges.

Eddie Ray Hall appeals 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 Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Hall contends that he is eligible for a sentence reduction under Amendment 782 to the Guidelines because the district court erred in concluding that his prior convictions qualified him as a career offender. We need not reach that question because the district court stated that, even if Hall were eligible for a sentence reduction, it would not grant one. We review that determination for an abuse of discretion, *see United States v. Dunn*, 728 F.3d 1151, 1155 (9th Cir. 2013), and find none. Contrary to Hall's claim, the court correctly calculated the amended Guidelines range. It explained that a reduction to a sentence within that range was not warranted, notwithstanding Hall's positive post-sentencing conduct, in light of Hall's criminal history and the threat he poses to the public. These were proper considerations. *See* U.S.S.G. § 1B1.10 cmt. n.1(B).

AFFIRMED.