

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JAN 24 2017

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

CARSON MAYNARD,

Defendant-Appellant.

No. 16-30016

D.C. No. 1:07-cr-00035-DLC

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Dana L. Christensen, Chief Judge, Presiding

Submitted January 18, 2017**

Before: TROTT, TASHIMA, and CALLAHAN, Circuit Judges.

Carson Maynard appeals pro se from the district court's order denying his motion for reconsideration of the district court's order granting in part 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).

Maynard contends that the district court should have further reduced his sentence. The record reflects that the district court correctly calculated the amended Guidelines range and concluded that, in light of Maynard's previous substantial assistance to the government and the 18 U.S.C. § 3553(a) factors, a sentence below the amended range was warranted. Maynard is incorrect that the Guidelines required the court to grant a departure comparable to its original departure. *See* U.S.S.G. § 1B1.10(b)(2)(B) & cmt. n.3. We conclude that the district court did not abuse its discretion in imposing the new sentence or in denying Maynard's motion for reconsideration. *See United States Dunn*, 728 F.3d 1151, 1155 (9th Cir. 2013); *United States v. Mark*, 795 F.3d 1102, 2014 (9th Cir. 2015).

AFFIRMED.