

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 19 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 16-50232

Plaintiff-Appellee,

D.C. No. 3:12-cr-00002-MMA

v.

MEMORANDUM*

GEORGE ALBERTO BELTRAN,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of California
Michael M. Anello, District Judge, Presiding

Submitted April 11, 2017**

Before: GOULD, CLIFTON, and HURWITZ, Circuit Judges.

George Alberto Beltran 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.

Beltran contends that he is entitled to a sentence reduction under

* 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).

Amendment 782 to the Sentencing Guidelines. We review de novo whether a defendant is eligible for a sentence reduction under section 3582(c)(2). *See United States v. Paulk*, 569 F.3d 1094, 1095 (9th Cir. 2009). Beltran is not eligible for a sentence reduction because his sentence was not “based on a sentencing range that has subsequently been lowered by the Sentencing Commission.” 18 U.S.C. § 3582(c)(2). Rather, his sentence was based on the statutory mandatory minimum under 21 U.S.C. § 960(b)(1)(B). Thus, the district court properly denied relief. *See Paulk*, 569 F.3d at 1095.

Beltran’s additional claims are not cognizable under section 3582(c)(2). *See Dillon v. United States*, 560 U.S. 817, 831 (2010) (alleged sentencing errors are “outside the scope of the proceeding authorized by § 3582(c)(2)”).

AFFIRMED.