

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 24 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 16-30113

Plaintiff-Appellee,

D.C. No. 4:08-cr-00076-SEH

v.

MEMORANDUM*

JOHN P. DEWEY,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Montana
Sam E. Haddon, District Judge, Presiding

Submitted April 11, 2017**

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

John P. Dewey 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.

Dewey contends that the district court erred by denying his motion without

* 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). Dewey's request for oral argument is denied.

first appointing counsel to represent him. This claim fails because Dewey had no constitutional right to counsel when bringing his section 3582 motion. *See United States v. Townsend*, 98 F.3d 510, 512-13 (9th Cir. 1996). Moreover, because Dewey was sentenced as a career offender under U.S.S.G. § 4B1.1, the district court correctly determined that he is ineligible for a sentence reduction under Amendment 782. *See* 18 U.S.C. § 3582(c)(2); *United States v. Wesson*, 583 F.3d 728, 731 (9th Cir. 2009).

AFFIRMED.