

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 17 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 16-16185

Plaintiff-Appellee,

D.C. Nos. 1:12-cr-00642-LEK

1:15-cv-00042-LEK

v.

ALVAR GANTE TOLEDO,

MEMORANDUM\*

Defendant-Appellant.

Appeal from the United States District Court  
for the District of Hawaii  
Leslie E. Kobayashi, District Judge, Presiding

Submitted July 11, 2017\*\*

Before: CANBY, KOZINSKI, and HAWKINS, Circuit Judges.

Alvar Gante Toledo appeals from 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.

The district court reduced Toledo's sentence to 108 months, the bottom of

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\* 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).

the amended guideline range. This was the lowest sentence the court could impose. *See* U.S.S.G. § 1B1.10(b)(2)(A). Toledo's claim that he was eligible for a further reduction fails because he does not meet the requirements of U.S.S.G. § 1B1.10(b)(2)(B). *See* U.S.S.G. § 1B1.10 cmt. n.3; *United States v. Finazzo*, 841 F.3d 816, 818-19 (9th Cir. 2016).

**AFFIRMED.**