

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i> v. ANDREW COLSON, <i>Defendant-Appellant.</i>
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No. 08-10287
D.C. No.
2:03-CR-00559-RCJ
ORDER

Appeal from the United States District Court
for the District of Nevada
Robert C. Jones, District Judge, Presiding

Submitted February 23, 2009*

Filed March 10, 2009

Before: Alex Kozinski, Chief Judge, Michael Daly Hawkins
and Ronald M. Gould, Circuit Judges.

COUNSEL

Franny A. Forsman, Federal Public Defender, Jason F. Carr,
Assistant Federal Public Defender, Las Vegas, Nevada, for
the appellant.

Gregory A. Browner, United States Attorney, Peter S. Levitt,
Assistant United States Attorney, Las Vegas, Nevada, for the
appellee.

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

ORDER

Andrew Colson (“Colson”) appeals from the district court’s decision regarding a discretionary reduction of sentence under 18 U.S.C. § 3582(c)(2). Colson acknowledges that the district court’s decision is not reviewable under *United States v. Lowe*, 136 F.3d 1231, 1233 (9th Cir. 1998), but argues that *Lowe* is no longer good law in light of *United States v. Carty*, 520 F.3d 984 (9th Cir. 2008) (en banc).

We find no conflict between *Carty* and *Lowe*, and we affirm that *Lowe* remains binding. Accordingly, the government’s motion to dismiss for lack of jurisdiction is granted.

DISMISSED.

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