

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 22 2019

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

SOCORRO LOYA-CHAVEZ, AKA Carlos
Guerro,

Defendant-Appellant.

No. 19-10003

D.C. No. 3:98-cr-00133-CRB-3

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Charles R. Breyer, District Judge, Presiding

Submitted August 19, 2019**

Before: SCHROEDER, PAEZ, and HURWITZ, Circuit Judges.

Socorro Loya-Chavez 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. Reviewing de novo, *see United States v. Wesson*, 583 F.3d 728, 730 (9th Cir. 2009), 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).

Loya-Chavez contends that he is entitled to a sentence reduction under Amendment 782 to the Sentencing Guidelines. Contrary to his assertion, Loya-Chavez was not sentenced under U.S.S.G. § 2D1.1, but rather was sentenced as a career offender under U.S.S.G. § 4B1.1. Therefore, his sentence was not “based on” a Guidelines range that was lowered by Amendment 782, and he is ineligible for a sentence reduction. *See* 18 U.S.C. 3582(c)(2); *Wesson*, 583 F.3d at 731.

In light of this disposition, we do not reach the government’s alternative argument.

AFFIRMED.