

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 08-1793

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United States of America,

Appellee,

v.

Ferdinand McGuire,

Appellant.

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\* Appeal from the United States

\* District Court for the

\* Eastern District of Missouri.

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\* [PUBLISHED]

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Submitted: April 21, 2008

Filed: May 8, 2008

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Before WOLLMAN, HANSEN, and MURPHY, Circuit Judges.

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PER CURIAM.

Ferdinand McGuire appeals from the district court's<sup>1</sup> order denying his motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) based on Amendment 706 to the United States Sentencing Guidelines Manual (USSG), which reduced the base offense levels in USSG § 2D1.1(c) based on the quantity of cocaine base (crack).

McGuire pleaded guilty to possessing with intent to distribute cocaine base, acknowledging that he was accountable for a quantity of 5.19 grams of that substance,

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<sup>1</sup>The Honorable Henry Edward Autrey, United States District Judge for the Eastern District of Missouri.

which subjected him to a minimum mandatory sentence of 60 months' imprisonment. See 21 U.S.C. § 841(b)(1)(B); USSG § 5G1.1(c)(2). Accordingly, McGuire is not entitled to a reduction under the retroactive amendment. See USSG § 1B1.10(b)(2)(A); id., cmt. n.1(a)(ii); United States v. Peters, No. 08-1672, slip op. (8th Cir. Apr. 29, 2008).

The judgment is summarily affirmed. See 8th Cir. R. 47A(a).

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