

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-2022

United States of America,	*	
	*	
Plaintiff - Appellee,	*	
	*	Appeal from the United States
v.	*	District Court for the
	*	Eastern District of Arkansas.
Johnny Woodson,	*	
	*	[UNPUBLISHED]
Defendant - Appellant.	*	

Submitted: May 13, 2008
Filed: June 12, 2008

Before WOLLMAN, HANSEN, and MURPHY, Circuit Judges.

PER CURIAM.

Johnny Woodson appeals from the district court's¹ denial of his motion for reduction of his sentence pursuant to 18 U.S.C. § 3582(c)(2) based on Amendment 706 to the United States Sentencing Guidelines Manual (U.S.S.G.), which reduced certain base offense levels in U.S.S.G. § 2D1.1(c) depending on the quantity of cocaine base (crack) involved.

¹The Honorable James M. Moody, United States District Judge for the Eastern District of Arkansas.

Woodson was convicted of distribution of cocaine base and conspiracy to distribute cocaine base. Woodson was sentenced to 360 months on each count, with the sentences to run concurrently. Judgment was entered on October 30, 1998. In March 2008 Woodson filed a motion to reduce his sentence pursuant to Amendment 706 and for appointment of counsel. The district court denied the motion and Woodson appeals.

Woodson's sentence was based on a finding that his relevant conduct involved more than 4.5 kilograms of crack, and the new amendment does not apply where more than 4.5 kilograms of crack is involved. See U.S.S.G. § 2D1.1(c); see also United States v. Chucky L. Wanton, 525 F.3d 621, 622 (8th Cir. 2008). Because of the amount of drugs Woodson was involved with, his offense level would not change, his guideline range would not be lowered, and his original sentence is unaffected by the amendments. See U.S.S.G. § 1B1.10(a)(2)(B); see also Wanton 525 F.3d at 622. The district court also properly denied Woodson's motion for appointment of counsel.

Accordingly, the district court's order denying relief pursuant to the guideline amendments is summarily affirmed. See 8th Cir. R. 47A(a).
