

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

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No. 08-1718

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United States of America,	*	
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Plaintiff – Appellee,	*	
	*	Appeal from the United States
v.	*	District Court for the
	*	Eastern District of Missouri.
Billy Cole,	*	
	*	[UNPUBLISHED]
Defendant – Appellant.	*	

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Submitted: June 25, 2008  
Filed: July 22, 2008

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Before WOLLMAN, HANSEN, and MURPHY, Circuit Judges.

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PER CURIAM.

Billy Cole appeals from the district court's denial of his motion for a reduction of his sentence pursuant to 18 U.S.C. § 3582(c)(2), based on amendments 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.

This matter is back before us after we remanded to the district court for an explanation of its reasoning in denying Cole's motion for sentence reduction under the

new crack cocaine offense sentencing guidelines. The district court determined that Cole's sentence was driven by the career offender provisions pursuant to U.S.S.G. § 4B1.1 and that the new drug quantity guidelines in § 2D1.1 do not affect such sentences. Accordingly, it found that Cole was not entitled to reduction. After reviewing the district court's order, we summarily affirm it. See United States v. Tingle, 524 F.3d 839 (8th Cir. 2008) (per curiam) (upholding sentence under career offender provision since guideline amendment lowered only ordinary offense level for crack cocaine quantities while leaving sentencing range for career offenders intact).

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