

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 09-1506

United States of America,

Appellee,

v.

Eric V. Miller,

Appellant.

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Appeal from the United States
District Court for the
District of Nebraska.
[UNPUBLISHED]

Submitted: February 17, 2010

Filed: February 24, 2010

Before MELLOY, BOWMAN, and SMITH, Circuit Judges.

PER CURIAM.

Eric Miller, who is serving a 188-month prison sentence imposed in 2007 after he pleaded guilty to a crack cocaine offense, *see United States v. Miller*, 256 Fed. Appx. 894, 894-95 (8th Cir. 2007) (per curiam), appeals the district court's¹ denial of his 18 U.S.C. § 3582(c)(2) motion to reduce his sentence. Miller's motion was based upon an amendment to the Sentencing Guidelines, which retroactively lowered the base offense level for crack cocaine offenses. The district court denied his motion after a hearing, reasoning in part that the retroactive amendment did not lower the

¹The Honorable Joseph F. Bataillon, Chief Judge, United States District Court for the District of Nebraska.

Guidelines sentencing range for Miller because he had been sentenced as a career offender. Upon careful review, we agree with the district court. See United States v. Thomas, 524 F.3d 889, 889-90 (8th Cir. 2008) (per curiam) (although Sentencing Commission lowered offense levels related to crack cocaine quantities, it did not lower the sentencing range for career offenders under U.S.S.G. § 4B1.1). Accordingly, we affirm.
