

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 10-2371

United States of America,

Appellee,

v.

David Lee Anderson,

Appellant.

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Appeal from the United States
District Court for the
District of Minnesota.

[UNPUBLISHED]

Submitted: November 4, 2010

Filed: November 4, 2010

Before WOLLMAN, MELLOY, and GRUENDER, Circuit Judges.

PER CURIAM.

David Lee Anderson appeals the district court's¹ denial of his motions to recalculate and reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2) based on Amendment 709 to the Sentencing Guidelines. Upon de novo review, we find no error. See United States v. Baylor, 556 F.3d 672, 673 (8th Cir. 2009) (per curiam) (standard of review); United States v. Peters, 524 F.3d 905, 907 (8th Cir. 2008) (per curiam) (affirming denial of § 3582(c)(2) motion for resentencing because Amendment 709 is not a covered amendment under U.S.S.G. § 1B1.10 to which

¹The Honorable Richard H. Kyle, United States District Judge for the District of Minnesota.

retroactive treatment may be given); United States v. Walsh, 26 F.3d 75, 76-77 (8th Cir. 1994) (noting that policy statements in U.S.S.G. § 1B1.10 govern whether Guidelines amendments shall apply retroactively). Anderson's alternative argument for recalculation is also without merit. Accordingly, we affirm.
