

United States Court of Appeals
For the Eighth Circuit

No. 12-2253

United States of America

Plaintiff - Appellee

v.

Bobby Glenn Banks

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Arkansas - Little Rock

Submitted: March 20, 2013

Filed: April 11, 2013

[Unpublished]

Before MURPHY, SMITH, and COLLOTON, Circuit Judges.

PER CURIAM.

Bobby Banks appeals the district court's¹ denial of his 18 U.S.C. § 3582(c)(2) motion to reduce his sentence under Amendment 750 of the United States Sentencing

¹The Honorable J. Leon Holmes, United States District Judge for the Eastern District of Arkansas.

Guidelines. After careful review of the record, we conclude the district court did not abuse its discretion in finding that Banks was responsible for more than 2.8 kilograms of cocaine base, and thus that the amendment did not change his Guidelines range. See United States v. Anderson, No. 12-2275, 2013 WL 656503, at *2 (8th Cir. Feb. 25, 2013) (per curiam) (standard of review; district court may make new factual findings in considering § 3582(c)(2) motion, as long as they are consistent with original sentencing determination and supported by record). Accordingly, we affirm the judgment of the district court, grant counsel's motion to withdraw, and deny Banks's request for new counsel.
