

United States Court of Appeals  
For the Eighth Circuit

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No. 12-3805

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United States of America

*Plaintiff - Appellee*

v.

Mark E. Bowman

*Defendant - Appellant*

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Appeal from United States District Court  
for the Western District of Missouri - Kansas City

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Submitted: May 28, 2013

Filed: May 31, 2013

[Unpublished]

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Before WOLLMAN, BOWMAN, and GRUENDER, Circuit Judges.

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PER CURIAM.

Mark Bowman appeals the district court's<sup>1</sup> denial of his 18 U.S.C. § 3582(c)(2) sentence-reduction motion based on Amendment 750 to the United States Sentencing

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<sup>1</sup>The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.

Guidelines. We conclude that Bowman was not entitled to a reduction based on the amendment, as the sentence he received in 2006 was the statutory mandatory minimum. See United States v. Peters, 524 F.3d 905, 907 (8th Cir. 2008) (per curiam). Further, counsel's argument on appeal that Bowman should receive the benefit of the statutory changes of the Fair Sentencing Act of 2010 (FSA) fails because, among other reasons, we have held that the FSA does not apply to defendants who were sentenced prior to its August 3, 2010 enactment. See United States v. Brewer, 624 F.3d 900, 909 n.7 (8th Cir. 2010); cf. Dorsey v. United States, 132 S. Ct. 2321, 2335 (2012) (FSA applies to defendants who committed their offenses before the FSA's effective date but were sentenced after that date).

Accordingly, the judgment is affirmed. Counsel's motion to withdraw is granted.

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