

United States Court of Appeals  
For the Eighth Circuit

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No. 12-3768

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United States of America

*Plaintiff - Appellee*

v.

Jermaine J. Arrington

*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: July 16, 2013

Filed: July 18, 2013

[Unpublished]

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Before WOLLMAN, GRUENDER, and BENTON, Circuit Judges.

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PER CURIAM.

Jermaine Arrington appeals the district court's<sup>1</sup> denial of his 18 U.S.C. § 3582(c)(2) sentence-reduction motion based on the Fair Sentencing Act of 2010

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

(FSA). We conclude that Arrington was not entitled to a reduction, as his Guidelines sentencing range was calculated based on his unlawful possession of a firearm, see U.S.S.G. § 2K2.1, which was not affected by any provision of the FSA. See 18 U.S.C. § 3582(c)(2) (court may reduce prison term of defendant who has been sentenced based on sentencing range that has subsequently been lowered by Sentencing Commission); United States v. Tolliver, 570 F.3d 1062, 1066-67 (8th Cir. 2009) (§ 3582(c)(2) allows sentence reduction only when amendment lowers applicable Guidelines range).

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

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