

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 09a0566n.06

No. 08-3529

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Aug 14, 2009
LEONARD GREEN, Clerk

UNITED STATES OF AMERICA,)
)
 Plaintiff-Appellee,)
)
 v.) ON APPEAL FROM THE UNITED
) STATES DISTRICT COURT FOR THE
 MAURICE DAWSON,) NORTHERN DISTRICT OF OHIO
)
 Defendant-Appellant.)
)
)

Before: KEITH, GIBBONS, and KETHLEDGE, Circuit Judges.

JULIA SMITH GIBBONS, Circuit Judge. Defendant Maurice Dawson appeals from the district court’s denial of his motion to reduce sentence under 18 U.S.C. § 3582(c)(2). Dawson argues that the district court erred in concluding that Dawson’s status as a career offender prohibits a court from modifying his sentence. At oral argument, Dawson’s counsel conceded that this court’s recent decision in *United States v. Perdue*, ___ F.3d ___, No. 08-4358, 2009 U.S. App. LEXIS 15438, at *8-9 (6th Cir. July 14, 2009), which held that defendants sentenced as career offenders are ineligible for sentence reductions based upon Amendment 706 of the Guidelines, forecloses his argument. *See* United States Sentencing Guidelines Manual app. C, amend. 706 (2007) (reducing the base-offense level for crack cocaine offenses). Consequently, we affirm the order of the district court denying Dawson’s motion to reduce sentence.