

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 15-10016  
Non-Argument Calendar

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D.C. Docket No. 0:08-cr-60235-JIC-1

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

PATRICK FUNCHESS,

Defendant - Appellant.

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Appeal from the United States District Court  
for the Southern District of Florida

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(July 30, 2015)

Before TJOFLAT, WILSON and BLACK, Circuit Judges.

PER CURIAM:

Patrick Funchess, proceeding *pro se*, appeals the district court's denial of his motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2). Funchess argues the district court erred in denying his motion because he is entitled to a reduction under Amendment 782 of the Sentencing Guidelines, U.S.S.G. App. C, amend. 782. Upon review, we affirm.<sup>1</sup>

“Where a retroactively applicable guideline amendment reduces a defendant's base offense level, but does not alter the sentencing range upon which his or her sentence was based, § 3582(c)(2) does not authorize a reduction in sentence.” *United States v. Moore*, 541 F.3d 1323, 1330 (11th Cir. 2008); *see also* U.S.S.G. § 1B1.10(a)(2)(B) (stating a reduction is not authorized if the amendment “does not have the effect of lowering the defendant's applicable guideline range”). Funchess's applicable guidelines range was determined by the career-offender guideline, U.S.S.G. § 4B1.1(a), not the drug quantity table, U.S.S.G. § 2D1.1(c). Since Amendment 782 amended the drug quantity table, and not the career-offender guideline upon which Funchess's sentence was based, § 3582(c)(2) relief is not available to Funchess under Amendment 782. The district court therefore did not err in denying the motion for a sentence reduction.

**AFFIRMED.**

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<sup>1</sup> We review *de novo* a district's court's legal conclusions as to the scope of its authority under § 3582(c)(2). *United States v. Phillips*, 597 F.3d 1190, 1194 n.9 (11th Cir. 2010).