

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 15-11640
Non-Argument Calendar

D.C. Docket No. 1:05-cr-20235-FAM-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARCOS GAMINO,

Defendant-Appellant.

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

(February 12, 2016)

Before WILLIAM PRYOR, ROSENBAUM and BLACK, Circuit Judges.

PER CURIAM:

Marcos Gamino, a federal prisoner proceeding *pro se* and serving a 295-month sentence stemming from six convictions for attempt and conspiracy to commit a cocaine-trafficking offense and Hobbs Act robbery, appeals the district court's order denying his 18 U.S.C. § 3582(c)(2) motion for a sentence reduction under Amendment 782 to the Sentencing Guidelines. Gamino contends the district court failed to demonstrate that it considered all of the 18 U.S.C. § 3553(a) sentencing factors, particularly those that supported a sentence reduction. After review,¹ we affirm.

The district court² satisfied the two-step test by first determining that Gamino was eligible for a sentence reduction under Amendment 782 and second declining to reduce Gamino's sentence. *See United States v. Bravo*, 203 F.3d 778, 780, 781 (11th Cir. 2000). The district court's failure to specifically discuss the § 3553(a) factors upon which Gamino's motion relied is not a basis for reversal "as long as the record demonstrates that the pertinent factors were taken into account by the district court." *United States v. Eggersdorf*, 126 F.3d 1318, 1322 (11th Cir. 1997). The order specifically states that the district court considered Gamino's motion, the Government's response, and the § 3553(a) factors and that the district court denied the motion due to "the seriousness of the offense and the participation

¹ We review for abuse of discretion a district court's decision to grant or deny a § 3582(c)(2) sentence reduction. *United States v. James*, 548 F.3d 983, 984 n.1 (11th Cir. 2008).

² The district judge who presided over Gamino's trial and sentencing also heard Gamino's § 3582(c)(2) motion.

of [Gamino].” Notwithstanding Gamino’s desire that the district court weigh the § 3553(a) factors differently, the record demonstrates that the district court considered the pertinent factors. *See Eggersdorf*, 126 F.3d at 1322–23; *cf. United States v. Langston*, 590 F.3d 1226, 1237 (11th Cir. 2009) (“We do not reweigh relevant factors . . .”).

AFFIRMED.