

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-12004
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT NOVEMBER 10, 2010 JOHN LEY CLERK
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D. C. Docket No. 99-00045-CR-HL-5

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MINNIE PEARL THOMAS,
a.k.a. Nick,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Georgia

(November 10, 2010)

Before TJOFLAT, BLACK and CARNES, Circuit Judges.

PER CURIAM:

Minnie Pearl Thomas, proceeding pro se, appeals the district court's denial of her motion for a reduction of sentence. Thomas was convicted for one count of conspiracy to possess with intent to distribute cocaine and cocaine base, in violation of 21 U.S.C. § 841(a)(1), and one count of distribution of cocaine, in violation of 21 U.S.C. § 841(a)(1). The district court sentenced Pearl to two mandatory life sentences as a career-offender. She sought a reduction pursuant to 18 U.S.C. § 3582(c)(2) based on Amendment 706, which provides a two-level reduction in the base offense levels applicable to crack cocaine offenses. After review, we affirm Thomas' sentence.¹

Sentences based on career-offender status or on a statutory minimum are not based on a range that has "subsequently been lowered" within the meaning of § 3582(c)(2), and district courts are not authorized to reduce a sentence under that statute. *See United States v. Williams*, 549 F.3d 1337, 1339 (11th Cir. 2008); *United States v. Moore*, 541 F.3d 1323, 1327-28 (11th Cir. 2008). Thomas concedes she was sentenced as a career offender, and her prior convictions for drug offenses resulted in mandatory minimum life sentences. *See* 21 U.S.C. §§ 841(b)(1)(A), 851. Consequently, any adjustment to her advisory guideline range

¹We review *de novo* a district court's conclusions about the scope of its legal authority under 18 U.S.C. § 3582(c)(2). *United States v. Moore*, 541 F.3d 1323, 1326 (11th Cir. 2008).

would not affect the length of her prison terms and she is ineligible for a sentence reduction.

AFFIRMED.