

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-15953
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MAY 19, 2009 THOMAS K. KAHN CLERK

D. C. Docket No. 92-00270-CR-JLK

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAMES WALKER,

Defendant-Appellant.

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

(May 19, 2009)

Before TJOFLAT, DUBINA and BARKETT, Circuit Judges.

PER CURIAM:

James Walker, through counsel, appeals the district court's denial of his

motion to reduce his sentence, pursuant to 18 U.S.C. § 3582(c)(2). Walker's § 3582(c)(2) motion was based on Amendment 706 to the Sentencing Guidelines, which reduced the base offense levels applicable to crack cocaine offenses. On appeal, Walker, who was sentenced based on his status as a career offender, acknowledges that, in United States v. Moore, 541 F.3d 1323, 1330 (11th Cir. 2008), cert. denied, McFadden v. United States, 129 S.Ct. 965 (2009), and cert. denied, (U.S. Mar. 9, 2009) (No. 08-8554), we held that defendants whose sentencing ranges were based on their career offender status are not eligible for relief under § 3582(c)(2) and Amendment 706. Walker asserts, however, that Moore was wrongly decided, and, pursuant to the Supreme Court's decision in United States v. Booker, 543 U.S. 220, 125 S.Ct. 738, 160 L.Ed.2d 621 (2005), the district court should have reevaluated the substantive reasonableness of his sentence.

“Under the well-established prior panel precedent rule of this Circuit, the holding of the first panel to address an issue is the law of this Circuit, thereby binding all subsequent panels unless and until the first panel's holding is overruled by the Court sitting en banc or by the Supreme Court.” Smith v. GTE Corp., 236 F.3d 1292, 1300 n.8 (11th Cir. 2001). Thus, we affirm the denial of Walker's § 3582(c)(2) motion in accordance with Moore. 541 F.3d at 1330.

AFFIRMED.