[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 12-10518
Non-Argument Calendar

D.C. Docket No. 1:94-cr-00004-WS-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GAYOT DORVAL,
a.k.a Bobby,

Defendant-Appellant.

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

(August 6, 2013)

Before TJOFLAT, MARCUS and PRYOR, Circuit Judges.

PER CURIAM:

Gayot Dorval appeals pro se the denial of his motion for a further reduction of his sentence based on Amendment 750 to the Sentencing Guidelines. 18 U.S.C.

§ 3582(c). In 2004, the district court reduced Dorval's sentence to 360 months of imprisonment based on Amendment 505. The United States moves for a summary affirmance and to stay the briefing schedule. Because the "position [of the United States] . . . is clearly right as a matter of law so that there [is] no substantial question as to the outcome of the case," Groendyke Transp., Inc. v. Davis, 406 F.2d 1158, 1162 (5th Cir. 1969), we grant the motion for summary affirmance and dismiss as moot the motion to stay the briefing schedule.

The district court did not abuse its discretion when it denied Dorval's motion because Amendment 750 did not alter Dorval's sentencing range. Because Dorval was, without objection, held responsible for more than 8.4 kilograms of crack cocaine, he was ineligible for a further reduction of his sentence. See U.S.S.G. § 2D1.1(c)(1) (assigning a base offense level of 38 for cases involving 8.4 kilograms or more of crack cocaine). Dorval challenges the amount of cocaine attributed to him, but the district court could not disturb its earlier finding about drug quantity when considering Dorval's motion to reduce. See United States v. Cothran, 106 F.3d 1560, 1562–63 (11th Cir. 1997). The district court lacked the authority to further reduce Dorval's sentence.

We **AFFIRM** the denial of Dorval's motion for a further reduction of his sentence, and we **DISMISS** as moot the motion to stay the briefing schedule.