

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with
Fed. R. App. P. 32.1

United States Court of Appeals

**For the Seventh Circuit
Chicago, Illinois 60604**

Submitted September 24, 2009

Decided October 26, 2009*

Before

RICHARD A. POSNER, *Circuit Judge*

DIANE P. WOOD, *Circuit Judge*

No. 09-2339

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

GREG FORT,
Defendant-Appellant.

Appeal from the United States District
Court for the Northern District of Illinois,
Western Division.

No. 93 CR 20024-4

Philip G. Reinhard,
Judge.

ORDER

The district court denied Greg Fort's motion under 18 U.S.C. § 3582(c)(2) to modify his sentence of life imprisonment for crack-cocaine offenses on the ground that he was ineligible for a reduction. Fort appeals. We have held that district courts do not have authority to reduce a defendant's sentence below the bottom of the range provided by the retroactive amendments to the sentencing guidelines. *United States v. Cunningham*, 554 F.3d 703, 709 (7th Cir. 2009). Here, even under the amended crack-cocaine sentencing guideline, Fort's total offense level remains 43, *see* U.S.S.G. ch. 5, pt. A, cmt. n.2, and the applicable guidelines range remains life imprisonment. Thus, we **AFFIRM** the judgment of the district court.

* This successive appeal has been submitted to a quorum of the original panel under Operating Procedure 6(b), Judge Walter J. Cummings having passed away since the time of our original decision. *See* 28 U.S.C. § 46(d). After examining the briefs and the record, we have concluded that oral argument is unnecessary. *See* FED. R. APP. P. 34(a); CIR. R. 34(f).