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of crack cocaine in § 2D1.1 and made that change retroactive to those previously sentenced under § 2D1.1. *United States v. Sharkey*, 543 F.3d 1236, 1237 (10th Cir. 2008) (setting out history of Amendments 706 and 713 of the Sentencing Guidelines). Soon thereafter, Taplin filed a motion, pursuant to 18 U.S.C. § 3582(c), for a reduction in his sentence pursuant to Amendments 706 and 713. The district court denied the motion, concluding Taplin was not entitled to relief because his base offense level was set under the career offender guideline, rather than the crack cocaine guideline. Thus, this appeal presents the following pure question of law: Did the district court err in concluding Taplin was not entitled to relief under § 3582(c) because Taplin's offense level was set by application of the § 4B1.1 career offender guideline, rather than the crack cocaine provisions set out in U.S.S.G. § 2D1.1?

In a decision issued after the briefing was complete in this case, we resolved this exact question. *Sharkey*, 543 F.3d at 1239. *Sharkey* holds that when a defendant's base offense level is set under the § 4B1.1 career offender guideline, the defendant is not entitled to a reduction in his sentence pursuant to Amendment 706 and § 3582(c). *Id.* It further holds that neither the decision in *United States v. Booker*, 543 U.S. 220 (2005), nor in *Kimbrough v. United States*, 128 S. Ct. 558 (2007), alter that outcome. *Sharkey*, 543 F.3d at 1239.

As *Sharkey* makes clear, the district court correctly denied Taplin's § 3582(c) motion for a reduction in his sentence. Thus, the order of the United

States District Court for the District of New Mexico denying Taplin's § 3582(c)
motion is hereby **AFFIRMED**.

ENTERED FOR THE COURT

Michael R. Murphy
Circuit Judge