

[NOT FOR PUBLICATION-NOT TO BE CITED AS PRECEDENT]

# United States Court of Appeals For the First Circuit

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No. 01-1760

UNITED STATES,

Appellee,

v.

OSVALDO RODRIGUEZ CARDONA,

Defendant, Appellant.

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APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF PUERTO RICO

[Hon. Héctor M. Laffitte, U.S. District Judge]

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Before

Torruella, Circuit Judge,  
Stahl, Senior Circuit Judge,  
and Lynch, Circuit Judge.

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Oswaldo Rodriguez Cardona on brief pro se.  
Guillermo Gil, United States Attorney, Jorge E. Vega-Pacheco, Assistant United States Attorney, and Nelson Perez-Sosa, Assistant United States Attorney, on brief for appellee.

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November 15, 2001

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Per Curiam. We have reviewed the parties' briefs and the record on appeal. We affirm the district court's denial of appellant's motion filed pursuant to 18 U.S.C. § 3582(c)(2). Section 3582(c)(2) pertains to a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by amendment to the guidelines. It is plainly inapplicable to appellant. Moreover, appellant may not raise again an issue already considered and rejected on his direct appeal. See United States v. Rodriguez-Cardona, 924 F.2d 1148, 1154-57 (1st Cir.), cert. denied, 502 U.S. 809 (1991).

Affirmed.