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# United States Court of Appeals For the First Circuit

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No. 04-2085

UNITED STATES,

Appellee,

v.

ALEXIS TERREFORT-QUIDGLEY,

Defendant, Appellant.

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APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF PUERTO RICO

[Hon. Juan M. Pérez-Giménez, U.S. District Judge]

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Before

Selya, Lynch and Lipez,  
Circuit Judges.

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Alexis Terreforte-Quidgley on brief pro se.  
H.S. Garcia, United States Attorney, and Nelson Perez-Sosa,  
Assistant U.S. Attorney, on brief for appellee.

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March 11, 2005

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**Per Curiam.** Alexis Terreforte Quidgley appeals the district court's denial of his motion to reduce his sentence, pursuant to 18 U.S.C. § 3582(c)(2), based on Amendment 599 to the United States Sentencing Guidelines. See U.S.S.G. Supp. App. C, amend. 599 (2002) (amending U.S.S.G. § 2K2.4). We agree with the district court's determination that Amendment 599 does not apply to appellant's sentence. Appellant's additional arguments, which appear to be based on U.S.S.G. § 3C1.2 and the Supreme Court's recent decision in Blakely v. Washington, \_\_ U.S. \_\_, 124 S.Ct. 2531 (2004), were not presented to the district court and are therefore not properly before us. See United States v. Martinez-Martinez, 69 F.3d 1215, 1219 (1st Cir. 1995). In any event, we note that appellant did not receive a § 3C1.2 sentencing enhancement.

Accordingly, we affirm the district court's denial of the motion for reduction of sentence. However, in accordance with the government's request, we remand the case for the limited purpose of allowing the government to seek dismissal of the charge brought under 18 U.S.C. § 2113(e), as contemplated in the plea agreement.