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# United States Court of Appeals For the First Circuit

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No. 04-2703

UNITED STATES,

Appellee,

v.

JESUS MANUEL ROSA-AGOSTO,

Defendant, Appellant.

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

APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF PUERTO RICO

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Before

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

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Jesus Manuel Rosa-Agosto on brief pro se.  
Nelson Perez-Soto, Assistant U.S. Attorney, and H.S. Garcia,  
United States Attorney, on brief for appellee.

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October 4, 2005

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**Per Curiam.** After carefully reviewing the record and briefs on appeal we affirm the decision below.

Among other problems, the appellant failed to make any showing that the amendment would operate to reduce his guideline range. 18 U.S.C. § 3582(c)(2). As amended, he could obtain concurrent sentences under U.S.S.G. § 5G1.3(b) only if the state sentences were used as relevant conduct and they were the basis for an increase in his offense level. He made no showing that the requirements were satisfied.

Affirmed. 1st Cir. R. 27(c)