

NONPRECEDENTIAL DISPOSITION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 June 1, 2012*

Decided June 4, 2012

Before

FRANK H. EASTERBROOK, *Chief Judge*

RICHARD A. POSNER, *Circuit Judge*

DIANE P. WOOD, *Circuit Judge*

No. 12-1292

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

MAURICE FOSTER, also known as MARCUS,
Defendant-Appellant.

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

No. 95 CR 242-12
Robert W. Gettleman, *Judge.*

Order

Maurice Foster requested, and received, a reduction in his sentence under recent changes to the Sentencing Guidelines for crack-cocaine offenses, changes made retroactive by the Sentencing Commission. 18 U.S.C. §3582(c)(2).

The reduction, to 292 months' imprisonment, is the maximum allowed by the Commission's amendments. Foster contends that he should have received an even

* This successive appeal has been submitted to the original panel under Operating Procedure 6(b). 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).

lower sentence. He maintains that the district court should have reduced his criminal-history level. But retroactive changes to the Guidelines do not authorize full resentencing; they allow lower sentences only to the extent that the Sentencing Commission has specifically authorized them by amending specific Guidelines. See *Dillion v. United States*, 130 S. Ct. 2683, 2690 (2010). This means that a district judge cannot consider any issues other than those specified by the Commission. See *United States v. Davis*, No. 11-1313 (7th Cir. May 31, 2012), slip op. 22–25. The Sentencing Commission has not made any retroactive change to the rules for determining criminal history, so the district court rightly declined to reduce Foster’s sentence on this account.

AFFIRMED