

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-6123

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TREMAIN THOMAS, a/k/a Tre, a/k/a Waka,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Danville. Jackson L. Kiser, Senior District Judge. (4:12-cr-00001-JLK-3)

Submitted: June 26, 2017

Decided: July 6, 2017

Before NIEMEYER, KING, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Tremain Thomas, Appellant Pro Se. Laura Day Rottenborn, OFFICE OF THE UNITED STATES ATTORNEY, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tremain Thomas appeals the district court's order denying his 18 U.S.C. § 3582(c)(2) (2012) motion for a sentence reduction pursuant to Amendment 794 to the Sentencing Guidelines. We have reviewed the record and find no abuse of discretion. *See United States v. Muldrow*, 844 F.3d 434, 437 (4th Cir. 2016). Under § 3582(c)(2), the district court may modify the term of imprisonment “of a defendant who has been sentenced . . . based on a sentencing range that has subsequently been lowered,” if the amendment is listed in the Guidelines as retroactively applicable. 18 U.S.C. § 3582(c)(2); *see U.S. Sentencing Guidelines Manual* § 1B1.10(a)(1), (d), p.s. (2016). Guideline § 1B1.10(d), p.s., lists the retroactively applicable amendments, and the list does not include Amendment 794. The district court therefore did not abuse its discretion in denying Thomas the relief he sought under Amendment 794. *See United States v. Dunphy*, 551 F.3d 247, 249 n.2 (4th Cir. 2009).

Accordingly, we affirm the district court's order. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED