

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 17-7033**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTONIO SUAZO PINEDA, a/k/a Cocho, a/k/a Armando Arellano Valle, a/k/a  
Pedro Suazo Pineda, a/k/a Francisco Villa Torres,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at  
Alexandria. Gerald Bruce Lee, District Judge. (1:04-cr-00481-GBL-1)

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Submitted: December 19, 2017

Decided: December 21, 2017

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Before SHEDD, AGEE, and DIAZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Antonio Suazo Pineda, Appellant Pro Se. Lawrence Joseph Leiser, Assistant United  
States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria,  
Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Antonio Suazo Pineda appeals the district court's order denying his third 18 U.S.C. § 3582(c)(2) (2012) motion for a sentence reduction. In this motion as in his previous motions, Pineda sought a sentence reduction under Amendment 782 to the Sentencing Guidelines, which lowered offense levels applicable to drug offenses. Noting again that Pineda was not eligible for a § 3582(c)(2) reduction because he was sentenced to the statutory minimum term for his drug offense, the district court denied relief.

In *United States v. Goodwyn*, 596 F.3d 233, 234 (4th Cir. 2010), we held that a district court lacks authority to grant a motion to reconsider its ruling on a § 3582(c)(2) motion. Under *Goodwyn*, Pineda had only one opportunity to seek, through a § 3582(c)(2) motion, the benefit of Amendment 782. *See id.* at 235-36. Once the district court ruled on Pineda's entitlement to relief under Amendment 782, it lacked authority to consider subsequent relief based on the same Amendment, either by way of a third § 3582(c)(2) motion or a motion for reconsideration of the initial order. While we recently determined in *United States v. May*, 855 F.3d 271, 274 (4th Cir. 2017) that "this prohibition [is] non-jurisdictional, and thus waived when the government fail[s] to assert it below," the Government properly preserved the issue by asserting the prohibition before the district court.

Accordingly, we affirm the district court's order denying relief on Pineda's third § 3582(c)(2) motion. 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*