

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-6752

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVE ANDRAE TAYLOR, a/k/a Indian, a/k/a Nicholas, a/k/a Spike,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at
Richmond. Robert E. Payne, Senior District Judge. (3:99-cr-00145-REP-2)

Submitted: September 26, 2019

Decided: October 23, 2019

Before WILKINSON, NIEMEYER, and KEENAN, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

Dave Andrae Taylor, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dave Andrae Taylor appeals the district court's order denying his motion for resentencing under § 404 of the First Step Act of 2018, Pub. L. No. 115-391, § 404, 132 Stat. 5194, 5222, for lack of jurisdiction. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court, *United States v. Taylor*, No. 3:99-cr-00145-REP-5 (E.D. Va., Apr. 3, 2019), but modify the order to reflect denial of Taylor's motion without prejudice. *See Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982). 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 AS MODIFIED