

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-7589

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HENRY CHESTER, a/k/a Zeke,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. Cameron McGowan Currie, District Judge. (4:94-cr-00665-CMC-1)

Submitted: January 18, 2011

Decided: January 28, 2011

Before NIEMEYER, DUNCAN, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Henry Chester, Appellant Pro Se. Alfred William Walker Bethea, Jr., Assistant United States Attorney, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Henry Chester appeals the district court's order denying his motion for reduction of sentence pursuant to 18 U.S.C. § 3742(a) (2006). Initially, the district court noted that § 3742(a) provides no authority for it to reduce a term of imprisonment. The district court went on to hold that, even if Chester's motion had been brought pursuant to 18 U.S.C. § 3582(c)(2) (2006), he would not be entitled to relief. For the reasons set forth below, we affirm.

Chester sought relief under Amendment 674 to the U.S. Sentencing Guidelines Manual ("USSG"). Under § 3582(c)(2), a 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). Chester was sentenced in 1995. Amendment 674 did not become effective until November 1, 2004, and does not apply retroactively. See USSG Supp. App. C, Amend. 674 (2010); USSG § 1B1.10(c), p.s. (2010).

Because Chester clearly is not entitled to a reduction based on Amendment 674, we affirm the district court's orders. We dispense with oral argument because the facts and legal

contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED