

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-7672

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DUJUAN FARROW,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, Senior District Judge. (3:04-cr-00278-REP-2)

Submitted: March 15, 2011

Decided: March 18, 2011

Before MOTZ and WYNN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Dujuan Farrow, Appellant Pro Se. Angela Mastandrea-Miller, Assistant United States Attorney, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dajuan Farrow appeals the district court's order denying his 18 U.S.C. § 3582(c)(2) (2006) motion for a sentence reduction based on an amendment to the crack cocaine sentencing guidelines. We review a district court's decision on whether to reduce a sentence under that provision for abuse of discretion; however, we review de novo a court's conclusion on the scope of its legal authority under § 3582(c). United States v. Munn, 595 F.3d 183, 187 (4th Cir. 2010).

Section 3582(c)(2) is inapplicable to Farrow because he was not sentenced "based on a sentencing range" that was subsequently lowered by the Sentencing Commission. Rather, as the district court properly found, he was sentenced to the statutory mandatory minimum term of imprisonment. Farrow's sentence is therefore not subject to reduction via § 3582(c)(2). See Munn, 595 F.3d at 187 ("[A] defendant who was convicted of a crack offense but sentenced pursuant to a mandatory statutory minimum sentence is ineligible for a reduction under § 3582(c)(2)."); United States v. Hood, 556 F.3d 226, 235-36 (4th Cir.), cert. denied, 130 S. Ct. 321 (2009). To the extent that Farrow's appellate filings raise issues not contained in his motion to the district court, we decline to entertain them. Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993).

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 the court and argument would not aid in the decisional process.

AFFIRMED