

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-6438**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTHONY MERRICK, a/k/a "C",

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Rebecca Beach Smith, District Judge. (2:94-cr-00163-RBS-19)

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Submitted: October 19, 2011

Decided: November 3, 2011

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Before NIEMEYER, MOTZ, and KING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Anthony Merrick, Appellant Pro Se. Laura Pellatiro Tayman, Assistant United States Attorney, Newport News, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Anthony Merrick appeals the district court's orders: denying his motion seeking relief under the Fair Sentencing Act of 2010; and denying his motion for reconsideration. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Merrick, No. 2:94-cr-00163-RBS-19 (E.D. Va. Feb. 3 & Mar. 7, 2011).<sup>\*</sup> We deny the motion to place this case in abeyance and 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

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<sup>\*</sup> We recently held that the Fair Sentencing Act of 2010 does not apply retroactively to defendants sentenced prior to August 3, 2010, the effective date of the Act. United States v. Bullard, 645 F.3d 237 (4th Cir. 2011). Merrick is such a defendant.