

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7035

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LANCY ELLITHORPE MCCLARY,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Charleston. David C. Norton, District Judge. (2:07-cr-00432-DCN-1)

Submitted: October 10, 2012

Decided: October 12, 2012

Before KING, DUNCAN, and DAVIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Lancy Ellithorpe McClary, Appellant Pro Se. Alston Calhoun Badger, Jr., Assistant United States Attorney, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lancy Ellithorpe McClary appeals the district court's order denying his 18 U.S.C. § 3582(c)(2) (2006) motion for sentence reduction based on Amendments 591 and 750 to the Sentencing Guidelines, as well as its order denying his motion for reconsideration. Our review of the record leads us to conclude that neither amendment provided a basis for relief. Amendment 591 took effect long before McClary was sentenced. Amendment 750 did not lower McClary's Guidelines range because he was sentenced for a firearms offense and received an enhancement for using the firearm in connection with another felony offense involving powder cocaine, not crack cocaine. Moreover, the district court was without authority to entertain McClary's motion for reconsideration. United States v. Goodwyn, 596 F.3d 233, 235-36 (4th Cir. 2010).

We therefore affirm the district court's judgment. 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