

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-7297**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL ANTHONY CHERRY, a/k/a Pops,

Defendant - Appellant.

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Appeal from the United States District Court for the Western  
District of North Carolina, at Statesville. Richard L.  
Voorhees, District Judge. (5:07-cr-00040-RLV-DSC-1)

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Submitted: December 13, 2012

Decided: December 18, 2012

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Before MOTZ, WYNN, and FLOYD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Michael Anthony Cherry, Appellant Pro Se. Steven R. Kaufman,  
Assistant United States Attorney, Charlotte, North Carolina, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Anthony Cherry appeals a district court order denying his motion for a sentence reduction under 18 U.S.C. § 3582(c) (2006). The district court found Cherry was not eligible for a reduction under the recent amendments to the Sentencing Guidelines because his sentence was based, not on a quantity of crack cocaine, but on his career offender status. We conclude that the district court did not abuse its discretion in denying Cherry's motion for a sentence reduction. United States v. Goines, 357 F.3d 469, 478 (4th Cir. 2004) (stating standard of review). Accordingly, we affirm the district court's order. We deny Cherry's motion for appointment of counsel. 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