

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7961

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TIMOTHY LEROY NIXON,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of North Carolina, at Statesville. Richard L.
Voorhees, District Judge. (5:08-cr-00008-RLV-DSC-1)

Submitted: March 28, 2013

Decided: April 1, 2013

Before NIEMEYER, KING, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Timothy Leroy Nixon, Appellant Pro Se. Thomas A. O'Malley,
OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina,
Amy Elizabeth Ray, Assistant United States Attorney, Asheville,
North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Timothy Leroy Nixon appeals the district court's order denying his 18 U.S.C. § 3582(c)(2) (2006) motion for sentence reduction and has made a motion to place his appeal in abeyance pending the Supreme Court's decision in United States v. Alleyne, No. 11-9335.* We have reviewed the record and find no reversible error. Accordingly, we deny Nixon's motion to place his appeal in abeyance and affirm the district court's order. United States v. Nixon, 5:08-cr-00008-RLV-DSC-1 (W.D.N.C. dated Oct. 31, 2012; entered Nov. 1, 2012). 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

* The question presented in Alleyne is whether Harris v. United States, 536 U.S. 545 (2002), should be overruled.