

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-7059

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CALVIN LAVAN CLARK,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Fox, Senior District Judge. (5:08-cr-00100-F-1)

Submitted: April 7, 2014

Decided: April 10, 2014

Before MOTZ, SHEDD, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Calvin Lavan Clark, Appellant Pro Se. Jason Harris Cowley, Jennifer P. May-Parker, Thomas B. Murphy, Rudolf A. Renfer, Jr., Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Calvin Clark filed an 18 U.S.C. § 3582(c)(2) (2012) motion, seeking the benefit of a recent amendment to the U.S. Sentencing Guidelines. The district court denied the motion because Clark's sentence was based on his career offender status, not on drug quantity. Clark moved for reconsideration, and the district court denied relief. Clark then filed a second motion for reconsideration, which the district court also denied. Clark appeals from this order. We affirm.

A district court lacks authority to grant a motion to reconsider its ruling on a § 3582(c)(2) motion. United States v. Goodwyn, 596 F.3d 233, 234 (4th Cir. 2010). Under Goodwyn, Clark had only one opportunity to seek, through a § 3582(c)(2) motion, the benefit of the amendment. See id. at 235-36. Once the district court ruled on Clark's § 3582(c)(2) motion, it lacked authority to grant subsequent relief—either by way of a second § 3582(c)(2) motion or a motion for reconsideration of the initial order.

Accordingly, we affirm the district court's order denying Clark's motion. We deny the motion for appointment of counsel 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