

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 13-7192**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BOBBY MICHAEL GILYARD, a/k/a Big Mike,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Anderson. Henry M. Herlong, Jr., Senior District Judge. (8:09-cr-00274-HMH-1)

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Submitted: September 24, 2013

Decided: October 4, 2013

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Before NIEMEYER and THACKER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Bobby Michael Gilyard, Appellant Pro Se. Alan Lance Crick, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bobby Michael Gilyard appeals the district court's order denying his 18 U.S.C. § 3582(c)(2) (2006) motion for reduction of sentence in which he sought relief under the Fair Sentencing Act of 2010 ("FSA"). We have reviewed the record and conclude that the district court properly determined Gilyard was not entitled to relief. See United States v. Bullard, 645 F.3d 237, 248 (4th Cir. 2011) (holding that the FSA does not apply retroactively to defendants sentenced prior to its effective date). Accordingly, we affirm. We further deny Gilyard's motions for abeyance and 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