

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-7875

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DEXTER ANTONIO DIXON,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Greenville. Louise W. Flanagan, District Judge. (4:09-cr-00051-FL-1)

Submitted: January 23, 2014

Decided: January 28, 2014

Before WILKINSON and DIAZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Dexter Antonio Dixon, Appellant Pro Se. Jane J. Jackson, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dexter Antonio Dixon appeals the district court's order denying his motion to compel the Government to file a motion for sentence reduction under Fed. R. Crim. P. 35(b). We affirm.

It is well-settled that whether to file a Rule 35(b) motion is a matter left to the Government's discretion. Fed. R. Crim. P. 35(b); United States v. Dixon, 998 F.2d 228, 230 (4th Cir. 1993). Here, the Government found Dixon's assistance insufficient to merit such a motion, and Dixon has failed to show that the Government obligated itself to move for the reduction as he asserts or that the Government's refusal to move for the reduction was based on an unconstitutional motive. Wade v. United States, 504 U.S. 181, 185-86 (1992).

Accordingly, we affirm the district court's order denying Dixon's motion to compel. 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