

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7813

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARTIN DELGADO,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Rebecca Beach Smith, Chief District Judge. (2:06-cr-00164-RBS-JEB-1)

Submitted: April 16, 2015

Decided: April 20, 2015

Before AGEE and KEENAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Martin Delgado, Appellant Pro Se. Melissa Elaine O'Boyle, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Martin Delgado appeals from the district court order denying relief on his 18 U.S.C. § 3582(c)(2) (2012) motion for a sentence reduction. For the reasons that follow, we affirm.

A district court may reduce the sentence of a defendant whose Guidelines sentencing range has been lowered by the Sentencing Commission. United States v. Smalls, 720 F.3d 193, 195 (4th Cir. 2013). Whether to grant such a reduction is within the district court's discretion, so long as it considers the factors outlined in 18 U.S.C. § 3553(a) (2012), to the extent applicable. See 18 U.S.C. § 3582(c)(2); Smalls, 720 F.3d at 195. The court is not required to grant a reduction, however. United States v. Stewart, 595 F.3d 197, 200 (4th Cir. 2010).

We review a district court's decision whether to grant a § 3582(c)(2) motion for abuse of discretion. United States v. Munn, 595 F.3d 183, 186 (4th Cir. 2010). In so doing, we may not substitute our judgment for that of the district court, but instead consider whether the court's exercise of discretion was arbitrary or capricious. United States v. Mason, 52 F.3d 1286, 1289 (4th Cir. 1995).

Our review of the record demonstrates that the court did not abuse its discretion in denying Delgado's motion. The court clearly understood its authority to reduce Delgado's sentence

pursuant to the crack cocaine Guidelines amendment but declined to do so based on its careful review of the facts and circumstances of Delgado's case. See United States v. Jeffery, 631 F.3d 669, 679 (4th Cir. 2011) ("district courts have extremely broad discretion when determining the weight to be given each of the § 3553(a) factors").

Accordingly, we affirm the district court's judgment. 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