

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 15-6371**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BERNARD MIDDLETON, d/b/a Cass,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Claude M. Hilton, Senior District Judge. (1:92-cr-00348-CMH-3)

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Submitted: June 19, 2015

Decided: June 30, 2015

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

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Affirmed by unpublished per curiam opinion.

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Bernard Middleton, Appellant Pro Se. James L. Trump, Assistant United States Attorney, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bernard Middleton appeals from the district court's orders denying his 18 U.S.C. § 3582(c)(2) (2012) motion and his motion for reconsideration. Middleton contended that his sentence exceeds the statutory maximum term to which he allegedly was subject and that a sentencing issue was not presented to the jury. We affirm the district court's judgment. Middleton's claims are not based upon a change in the Guidelines and therefore are not properly raised in a § 3582(c)(2) motion. Instead, the claims sound in habeas corpus. We 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