

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-7350

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JERMAINE MONTE BERRY, a/k/a B-Bop,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of North Carolina, at Statesville. Richard L.
Voorhees, District Judge. (5:03-cr-00037-RLV-5)

Submitted: January 14, 2016

Decided: January 20, 2016

Before AGEE, WYNN, and FLOYD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Jermaine Monte Berry, Appellant Pro Se. Amy Elizabeth Ray,
Assistant United States Attorney, Asheville, North Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jermaine Monte Berry appeals from the district court's order denying his 18 U.S.C. § 3582(c)(2) (2012) motion for reduction of sentence based on Amendment 782 to the Sentencing Guidelines. Application of Amendment 782 to Berry does not have the effect of lowering his Guidelines sentence. Accordingly, he is not entitled to a sentence reduction under § 3582(c)(2). Because the district court did not err in denying Berry's motion, we affirm. We deny Berry's motion for 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