

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-7494

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DARNELL MICHAEL DUNN, a/k/a Doughboy,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Louise W. Flanagan, District Judge. (5:11-cr-00274-FL-1)

Submitted: December 15, 2015

Decided: December 18, 2015

Before GREGORY and FLOYD, Circuit Judges, and DAVIS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Darnell Michael Dunn, Appellant Pro Se. Seth Morgan Wood, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Darnell Michael Dunn appeals the district court's orders granting his motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2)(2012) and denying his motion for reconsideration. We have reviewed the record and find no reversible error. Because the Government's substantial assistance motion was based on U.S. Sentencing Guidelines Manual § 5K1.1 and not 18 U.S.C. § 3553(e) (2012), the district court lacked authority to reduce Dunn's sentence below the statutory mandatory minimum. Melendez v. United States, 518 U.S. 120, 126-27 (1996); United States v. Allen, 450 F.3d 565, 568-70 (4th Cir. 2006). Further, as the district court correctly noted, it was without authority to rule on Dunn's motion for reconsideration. Accordingly, we affirm the district court's orders. 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