

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6231

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MEGAN TERRANCE RAMON WHITE,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. Terry L. Wooten, Chief District Judge. (4:05-cr-01127-TLW-1)

Submitted: September 13, 2016 Decided: September 16, 2016

Before TRAXLER, AGEE, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Megan Terrance Ramon White, Appellant Pro Se. Arthur Bradley Parham, Assistant United States Attorney, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Megan Terrance Ramon White appeals the district court's order denying his motion for reduction of sentence under 18 U.S.C. § 3582(c) (2012). White seeks reduction of his sentence pursuant to United States v. Hemingway, 734 F.3d 323 (4th Cir. 2013). The relief White seeks is unavailable under § 3582(c). See United States v. Goines, 357 F.3d 469, 473 (4th Cir. 2004) (noting that § 3582(c)(2) authorizes a "district court to reduce the sentence imposed on a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o)"); see also United States v. Moreno, 421 F.3d 1217, 1220 (11th Cir. 2005) (holding that new case law cannot form the basis for a § 3582(c)(2) motion). Accordingly, we affirm the order of the district court. We deny White's motion to file a successive 28 U.S.C. § 2255 (2012) motion as unnecessary, given that White's first § 2255 motion is still pending in district court. 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