

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6262

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KENNETH M. MONTGOMERY, JR., a/k/a Richard E. Main,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, Senior District Judge. (3:98-cr-00289-REP-RCY-1)

Submitted: May 18, 2016

Decided: May 23, 2016

Before SHEDD, DIAZ, and HARRIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Kenneth M. Montgomery, Jr., Appellant Pro Se. Richard Daniel Cooke, David Thomas Maguire, Assistant United States Attorneys, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kenneth M. Montgomery, Jr., appeals from the district court's order denying his 18 U.S.C. § 3582(c)(2) (2012) motion to reduce his sentence. A district court's decision on whether to reduce a sentence under § 3582(c)(2) is reviewed for abuse of discretion, while its conclusion on the scope of its legal authority under that provision is reviewed de novo. United States v. Munn, 595 F.3d 183, 186 (4th Cir. 2010). Our review of the record reveals that the district court did not abuse its discretion in denying Montgomery relief. See United States v. Smalls, 720 F.3d 193 (4th Cir. 2013). Accordingly, we affirm the district court's order. United States v. Montgomery, No. 3:98-cr-00289-REP-RCY-1 (E.D. Va. Feb. 5, 2016). 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