

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6539

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

OSHAWN LOUIS COPELAND, a/k/a Lou,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. James C. Fox, Senior District Judge. (7:09-cr-00157-F-2)

Submitted: July 28, 2016

Decided: August 2, 2016

Before MOTZ and HARRIS, Circuit Judges, and DAVIS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Oshawn Louis Copeland, Appellant Pro Se. Tobin Webb Lathan, 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Unpublished opinions are not binding precedent in this circuit.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:

Oshawn Louis Copeland appeals the district court's order denying his motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) (2012). Generally, we review an order denying a § 3582(c)(2) motion for abuse of discretion. See United States v. Munn, 595 F.3d 183, 186 (4th Cir. 2010). We review de novo, however, a district court's determination of the scope of its authority under § 3582(c)(2). United States v. Williams, 808 F.3d 253, 256 (4th Cir. 2015).

Based on our review of the record and relevant legal authorities, we conclude that the district court did not err in denying Copeland's motion, as it lacked authority to grant Copeland a sentence reduction under § 3582(c)(2), despite the downward departure he received at sentencing. See U.S. Sentencing Guidelines Manual App. C, Amend. 759 (2011) (defining "applicable guideline range"); see also USSG § 1B1.10 (prescribing rules of eligibility for sentence reduction). Accordingly, we affirm the district court's order. 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