

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6796

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FERNANDO SANCHEZ-ALMARAZ, a/k/a Flaco,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:06-cr-00220-BO-1)

Submitted: August 19, 2016

Decided: August 23, 2016

Before SHEDD and WYNN, Circuit Judges, and DAVIS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Fernando Sanchez-Almaraz, Appellant Pro Se. Jane J. Jackson, Stephen Aubrey West, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Fernando Sanchez-Almaraz (Sanchez) appeals the district court's order denying his 18 U.S.C. § 3582(c)(2) (2012) motion, in which he sought a reduction of his sentence based on Amendment 782 of the U.S. Sentencing Guidelines. We affirm.

Sanchez was held accountable at sentencing for a quantity of marijuana and cocaine with a marijuana equivalency of 360,063.95 kilograms, resulting in base offense level 38. See U.S. Sentencing Guidelines Manual § 2D1.1(c)(1) (2006). Under Amendment 782, the base offense level for that quantity of marijuana remains unchanged. See USSG § 2D1.1(c)(1) (2015). Accordingly, because Amendment 782 did not lower the applicable sentencing range, we conclude that the district court did not abuse its discretion in denying Sanchez's motion. See United States v. Mann, 709 F.3d 301, 304 (4th Cir. 2013) (stating standard of review). We therefore affirm.

We dispense with oral argument because the facts and legal arguments are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED