

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7197

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID ANDREA JENKINS, a/k/a Arma G, a/k/a Dread,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Joseph F. Anderson, Jr., Senior District Judge. (3:12-cr-00513-JFA-1)

Submitted: February 28, 2017

Decided: March 15, 2017

Before GREGORY, Chief Judge, WILKINSON, Circuit Judge, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

David Andrea Jenkins, Appellant Pro Se. Stanley D. Ragsdale, John David Rowell, William Kenneth Witherspoon, Assistant United States Attorneys, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Andrea Jenkins appeals both the district court's order denying his 18 U.S.C. § 3582(c)(2) (2012) motion for a sentence reduction under Sentencing Guidelines Amendment 782 and its order denying Jenkins' motion for reconsideration. We review de novo a district court's ruling on the scope of its authority under § 3582(c)(2). United States v. Muldrow, 844 F.3d 434, 437 (4th Cir. 2016).

Our review of the record leads us to conclude that the district court properly determined that it lacked authority to grant a sentence reduction, as Jenkins' sentence was based on his Fed R. Crim. P. 11(c)(1)(C) plea agreement and not a Guidelines range subsequently lowered by the Sentencing Commission. See Freeman v. United States, 564 U.S. 522, 538-39 (2011) (Sotomayor, J., concurring); United States v. Brown, 653 F.3d 337, 340 (4th Cir. 2011); accord United States v. Williams, 811 F.3d 621, 623-25 (4th Cir. 2016) (applying Freeman to direct appeal of Rule 11(c)(1)(C) sentence). Further, we find no reversible error in the district court's denial of Jenkins' motion for reconsideration. See United States v. Goodwyn, 596 F.3d 233, 235-36 (4th Cir. 2010).

Accordingly, we affirm the district court's orders. We deny Jenkins' motions for appointment of counsel and to compel the disclosure of court documents. 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