

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7602

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DONNAY JAMES RIKARD, JR., a/k/a DJ,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Joseph F. Anderson, Jr., Senior District Judge. (3:11-cr-02063-JFA-2)

Submitted: August 29, 2017

Decided: September 14, 2017

Before MOTZ, SHEDD, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Donnay James Rikard, Jr., Appellant Pro Se. Jimmie Ewing, James Hunter May, John David Rowell, Assistant United States Attorneys, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Donnay James Rikard, Jr., appeals the district court's orders denying his motions for reduction of sentence under 18 U.S.C. § 3582(c)(2) (2012), in which he requested a sentence reduction based on Amendment 782 to the Sentencing Guidelines. We have reviewed the record and find no reversible error. Accordingly, we affirm.

A district court may reduce a prison term if a defendant's Guidelines range has subsequently been lowered by the Sentencing Commission and the reduction is consistent with applicable policy statements. 18 U.S.C. § 3582(c)(2). We review for abuse of discretion a district court's decision whether to reduce a sentence under § 3582(c)(2) and review de novo a district court's conclusion on the scope of its legal authority under that provision. *United States v. Muldrow*, 844 F.3d 434, 437 (4th Cir. 2016).

Here, the district court did not err when it denied Rikard's motions to reduce sentence because he received the benefit of a variance at sentencing and his sentence for his drug offense is less than the bottom of his amended Guidelines range. Accordingly, we grant Rikard's motion to seal and affirm the district court's orders denying Rikard's § 3582(c)(2) motions. 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