UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 16-7670

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UNITED STATES OF AMERICA,

　　　　　　　　Plaintiff - Appellee,

　　　　v.

WYAKETTA LATOYA WELCH,

　　　　　　　　Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Rebecca Beach Smith, Chief District Judge. (2:11-cr-00064-RBS-TEM-2)

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Submitted: March 30, 2017　　　　　Decided: April 4, 2017

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Before TRAXLER and WYNN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Wyaketta Latoya Welch, Appellant Pro Se. Alyssa Kate Nichol, Elizabeth Marie Yusi, OFFICE OF THE UNITED STATES ATTORNEY, Norfolk, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Wyaketta Latoya Welch appeals the district court's order denying her 18 U.S.C. § 3582(c)(2) (2012) motion for a sentence reduction pursuant to Amendment 794 to the Sentencing Guidelines. We have reviewed the record and find no abuse of discretion. See United States v. Muldrow, 844 F.3d 434, 437 (4th Cir. 2016) (providing standard). Under § 3582(c)(2), the district court may modify the term of imprisonment "of a defendant who has been sentenced . . . based on a sentencing range that has subsequently been lowered," if the amendment is listed in the Guidelines as retroactively applicable. 18 U.S.C. § 3582(c)(2); see U.S. Sentencing Guidelines Manual § 1B1.10(a)(1), (d), p.s. (2016). Guidelines § 1B1.10(d), p.s., lists the amendments that receive retroactive application, and this list does not include Amendment 794. The district court therefore did not abuse its discretion in denying Welch the relief she sought under Amendment 794. See United States v. Dunphy, 551 F.3d 247, 249 n.2 (4th Cir. 2009); United States v. McHan, 386 F.3d 620, 622 (4th Cir. 2004).

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

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