

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 17-6898**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

VICTOR ROMAN, a/k/a Chaparro,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at  
Wilmington. Louise W. Flanagan, District Judge. (7:05-cr-00097-FL-20)

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Submitted: November 16, 2017

Decided: November 21, 2017

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Before GREGORY, Chief Judge, and TRAXLER and KEENAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Victor Roman, Appellant Pro Se. Edward D. Gray, Assistant United States Attorney, Laura  
Howard, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Victor Roman appeals the district court's marginal order denying his motion for reconsideration of the district court's previous denial of his 18 U.S.C. § 3582(c)(2) (2012) motion for reduction of sentence. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court in its order denying the § 3582(c)(2) motion.\* *United States v. Roman*, No. 7:05-cr-00097-FL-20 (E.D.N.C. Aug. 25, 2015). 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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\* While a district court lacks authority to reconsider a ruling on a § 3582(c)(2) motion, “this prohibition [is] non-jurisdictional, and thus waived when the government fail[s] to assert it below.” *United States v. May*, 855 F.3d 271, 274 (4th Cir. 2017). Here, “[b]ecause the government failed to raise this non-jurisdictional limitation below, it is waived on appeal.” *Id.* at 275.