

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-7071

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BOBBY MICHAEL GILYARD, a/k/a Big Mike,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Anderson. Henry M. Herlong, Jr., Senior District Judge. (8:09-cr-00274-HMH-1)

Submitted: December 7, 2018

Decided: December 26, 2018

Before NIEMEYER and THACKER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Bobby Michael Gilyard, Appellant Pro Se. Alan Lance Crick, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bobby Michael Gilyard appeals the district court's order denying his Fed. R. Civ. P. 60(b)(6) motion for relief from its prior order denying his motions under 18 U.S.C. § 3582(c)(2) (2012) for a sentence reduction based on the Fair Sentencing Act of 2010.* We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's order. *See United States v. Goodwyn*, 596 F.3d 233, 235 (4th Cir. 2010) (“[A] district court ‘may not modify a term of imprisonment once it has been imposed’ unless the Bureau of Prisons moves for a reduction, the Sentencing Commission amends the applicable Guidelines range, or another statute or Rule 35 *expressly* permits the court to do so.”) (citations omitted). 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

* We affirmed the district court's prior order, ruling it “properly determined Gilyard was not entitled to relief.” *United States v. Gilyard*, 541 F. App'x 305, 306 (4th Cir. 2013) (citing *United States v. Bullard*, 645 F.3d 237, 248 (4th Cir. 2011)).