

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-7288

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHNEY FREEMAN,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Rebecca Beach Smith, District Judge. (2:88-cr-00076-jcc-2)

Submitted: February 26, 2019

Decided: March 1, 2019

Before KING, THACKER, and QUATTLEBAUM, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Johney Freeman, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Johney Freeman appeals the district court's order denying his third motion for a sentence reduction under 18 U.S.C. § 3582(c)(2) (2012) based on Amendment 782 to the United States Sentencing Guidelines.* “We review a district court’s decision to grant or deny a sentence reduction motion under § 3582(c)(2) for abuse of discretion.” *United States v. Peters*, 843 F.3d 572, 577 (4th Cir. 2016). Because our review of the record reveals no abuse of discretion, 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

* Although a district court lacks authority to reconsider its ruling on a § 3582(c)(2) motion, *United States v. Goodwyn*, 596 F.3d 233, 235-36 (4th Cir. 2010), “this prohibition [is] non-jurisdictional, and thus waived when the government failed to assert it below,” *United States v. May*, 855 F.3d 271, 274 (4th Cir. 2017).