

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-7371

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHN DILLARD, a/k/a JB, a/k/a John Boy,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt.
Peter J. Messitte, Senior District Judge. (8:00-cr-00424-PJM-7)

Submitted: July 8, 2021

Decided: July 27, 2021

Before KEENAN, HARRIS, and RICHARDSON, Circuit Judges.

Affirmed by unpublished per curiam opinion.

John Dillard, Appellant Pro Se. Jonathan Scott Tsuei, OFFICE OF THE UNITED
STATES ATTORNEY, Greenbelt, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John Dillard appeals the district court's order denying his motion for a reduction of sentence under the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194, 5222. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court.* *United States v. Dillard*, No. 8:00-cr-00424-PJM-7 (D. Md. filed Aug. 18 & entered Aug.19, 2020). 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

* Dillard asserts that the district court improperly considered his obstruction of justice enhancement, even though the jury did not find these facts beyond a reasonable doubt. However, Dillard's conduct was properly considered both in the calculation of his Sentencing Guidelines range and by the district court in deciding the instant motion. *See United States v. Morris*, 429 F.3d 65, 72 (4th Cir. 2005) (noting that decision about sentencing factors is properly made by judges, not juries).