

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-6284

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARCUS DWAYNE PARHAM,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Statesville. Kenneth D. Bell, District Judge. (5:08-cr-00051-KDB-DCK-2)

Submitted: December 9, 2022

Decided: December 16, 2022

Before WILKINSON and AGEE, Circuit Judges, and KEENAN, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Anthony Martinez, Federal Public Defender, Megan C. Hoffman, Assistant Federal Public Defender, Charlotte, North Carolina, Joshua B. Carpenter, Appellate Chief, FEDERAL DEFENDERS OF WESTERN NORTH CAROLINA, INC., Asheville, North Carolina, for Appellant. Dena J. King, United States Attorney, Charlotte, North Carolina, Amy E. Ray, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marcus Dwayne Parham appeals the district court's order granting in part his motion for a sentence reduction under § 404(b) of the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194, 5222 ("First Step Act"). The court concluded that Parham was eligible for relief under the First Step Act and exercised its discretion to reduce Parham's sentence, but not as low as requested by Parham. After reviewing the record, we conclude that the district court did not abuse its discretion in determining the extent of the sentence reduction. *See Concepcion v. United States*, 142 S. Ct. 2389, 2404-05 (2022) (stating standard).

Accordingly, we affirm. 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