

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-6312

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARCUS ANTONIO MCNEILL,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Louise W. Flanagan, District Judge. (5:08-cr-00188-FL-1)

Submitted: July 25, 2023

Decided: August 9, 2023

Before DIAZ, Chief Judge, and GREGORY and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Marcus Antonio McNeill, Appellant Pro Se. David A. Bragdon, Assistant United States Attorney, Kristine L. Fritz, Assistant United States Attorney, Jennifer P. May-Parker, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marcus Antonio McNeill appeals the district court's order denying his motion for a sentence reduction under § 404(b) of the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194 ("First Step Act"). We have reviewed the record and conclude that the district court did not abuse its discretion, *see United States v. Reed*, 58 F.4th 816, 819 (4th Cir. 2023) (stating standard of review), by declining to sua sponte consider the changes the First Step Act wrought on 21 U.S.C. § 841(b), *see United States v. Troy*, 64 F.4th 177, 184 (4th Cir. 2023) (providing standard for consideration of First Step Act motions); *Reed*, 58 F.4th at 822 (recognizing that "a district court is not required to modify a sentence for any reason" (cleaned up)). Accordingly, we deny McNeill's motion for appointment of counsel and affirm the district court's order. *United States v. McNeill*, No. 5:08-cr-00188-FL-1 (E.D.N.C. Dec. 21, 2021). 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