

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-6177**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KEITH LARKINS,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Orangeburg. Margaret B. Seymour, Chief District Judge. (5:08-cr-00098-MBS-1)

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Submitted: June 14, 2012

Decided: June 19, 2012

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Before WILKINSON, NIEMEYER, and KEENAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Keith Larkins, Appellant Pro Se. John David Rowell, Assistant United States Attorney, Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Keith Larkins appeals the district court's order denying his 18 U.S.C. § 3582(c)(2) (2006) motion for sentence reduction. We review for abuse of discretion a district court's decision on whether to reduce a sentence under § 3582(c)(2) and review de novo a court's conclusion on the scope of its legal authority under that provision. United States v. Munn, 595 F.3d 183, 186 (4th Cir. 2010).

Section 3582(c)(2) is inapplicable to Larkins because he was not sentenced "based on a sentencing range" that was subsequently lowered by the United States Sentencing Commission. Rather, as the district court correctly found, he was sentenced to the mandatory statutory minimum term of imprisonment. Larkins' sentence was therefore not subject to reduction under § 3582(c)(2). Id. at 187 ("[A] defendant who was convicted of a [cocaine base] offense but sentenced pursuant to a mandatory statutory minimum sentence is ineligible for a reduction under § 3582(c)(2).").

Accordingly, 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 the court and argument would not aid the decisional process.

AFFIRMED