

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-6260

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BRYANT EVERETT PLANTER, a/k/a B.P.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Mark S. Davis, District Judge. (2:10-cr-00168-MSD-FBS-1)

Submitted: June 7, 2012

Decided: June 13, 2012

Before DUNCAN, WYNN, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Bryant Everett Planter, Appellant Pro Se. Laura Marie Everhart, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bryant Everett Planter appeals the district court's order denying his motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) (2006). We have reviewed the record and conclude that Planter is not eligible for a sentencing reduction because Amendment 750 to the Sentencing Guidelines does not lower his Guidelines range.* See § 3582(c)(2); U.S. Sentencing Guidelines Manual ("USSG") § 1B1.10; USSG App. C, Amendment 750 (effective Nov. 1, 2011). Accordingly, we affirm the district court's judgment. 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

* To the extent Planter's motion challenged the factual basis for his conviction and sentence, such claims are not properly raised in a § 3582 motion. See United States v. Stewart, 595 F.3d 197, 201 (4th Cir. 2010) (noting that § 3582 proceeding is "not considered a full resentencing by the court").