

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-6371**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CORYLEE J. WHITAKER, a/k/a Corylee Jamaal Whitaker,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. John A. Gibney, Jr., District Judge. (3:06-cr-00349-JAG-1)

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Submitted: September 12, 2012      Decided: September 24, 2012

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Before MOTZ, KING, and AGEE, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Corylee J. Whitaker, Appellant Pro Se. Norval George Metcalf, Assistant United States Attorney, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Corylee J. Whitaker appeals the district court's order denying his 18 U.S.C. § 3582(c)(2) (2006) motion for a sentence reduction based on Amendment 750 to the crack cocaine Sentencing Guidelines. We review a district court's decision on whether to reduce a sentence for abuse of discretion; however, "[w]e review de novo . . . a court's conclusion on the scope of its legal authority under § 3582(c)(2)." United States v. Munn, 595 F.3d 183, 186 (4th Cir. 2010).

Section 3582(c)(2) provides Whitaker no relief because he was not sentenced "based on a sentencing range" that was subsequently lowered by the Sentencing Commission. Rather, as the district court properly found, he was sentenced to the statutory mandatory minimum term of imprisonment. Whitaker's sentence is therefore not subject to reduction via § 3582(c)(2). See Munn, 595 F.3d at 187 ("[A] defendant who was convicted of a crack offense but sentenced pursuant to a mandatory statutory minimum sentence is ineligible for a reduction under § 3582(c)(2)."); United States v. Hood, 556 F.3d 226, 235-36 (4th Cir. 2009).

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