

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-6386

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MANCER L. BARRINGTON, III,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Raymond A. Jackson, District Judge. (2:08-cr-00004-RAJ-FBS-2)

Submitted: June 21, 2012

Decided: June 26, 2012

Before GREGORY, SHEDD, and DAVIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Mancer L. Barrington, III, Appellant Pro Se. D. Monique Broadnax, Cameron Rountree, Special Assistant United States Attorneys, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mancer L. Barrington, III, appeals the district court's order denying his 18 U.S.C. § 3582(c)(2) (2006) motion for reduction in his sentence based on the Fair Sentencing Act of 2010 ("FSA"). In January 2009, the district court sentenced Barrington to life imprisonment for his conspiracy to distribute and possess with intent to distribute cocaine and fifty grams or more of crack cocaine. Barrington's life sentence was mandatory, pursuant to 21 U.S.C. § 841(b)(1)(A) (2006), because of his two prior felony drug convictions.

Because the FSA does not apply retroactively to offenders who were sentenced prior its August 3, 2010 enactment, United States v. Bullard, 645 F.3d 237, 248 (4th Cir.), cert. denied, 132 S. Ct. 356 (2011), the district court properly determined that it lacked the authority to reduce Barrington's sentence under the FSA. Accordingly, we affirm the district court's order. See United States v. Barrington, No. 2:08-cr-00004-RAJ-FBS (E.D. Va. filed Feb. 15, 2012 & entered Feb. 16, 2012). 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