

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-6545

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WILLIE D. HILL,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Arenda Wright Allen, District Judge. (2:08-cr-00204-AWA-FBS-2)

Submitted: June 21, 2012

Decided: June 26, 2012

Before GREGORY, SHEDD, and DAVIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Willie D. Hill, Appellant Pro Se. Kevin Michael Comstock, Assistant United States Attorney, Cameron Rountree, Special Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Willie D. Hill appeals the district court's order denying his motion for reduction of sentence under 18 U.S.C. § 3582(c)(2) (2006). Following his guilty plea to conspiracy to possess with intent to distribute crack cocaine, in violation of 21 U.S.C. §§ 846, 841(a)(1), (b)(1)(A) (2006), Hill was sentenced to the statutory mandatory minimum of 240 months' imprisonment.* Because Hill's sentence was based upon the statutorily mandated minimum, rather than a Guidelines range that was subsequently lowered, he was ineligible for a reduction in sentence under § 3582(c)(2). See United States v. Munn, 595 F.3d 183, 187 (4th Cir. 2010) ("[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).") (citing United States v. Hood, 556 F.3d 226, 235-36 (4th Cir. 2009)).

Accordingly, we affirm the district court's judgment. We dispense with oral argument because the facts and legal

* Hill was also sentenced to a consecutive sixty-month term of imprisonment for possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1), 2 (2006). However, this sentence is not at issue in the instant appeal.

contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED