

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7587

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ELEAZAR TEODORO-BASILIO, a/k/a J. Eleazar Teodoro-Basilio,
a/k/a Chelelo, a/k/a Huichol,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of North Carolina, at Charlotte. Frank D. Whitney,
District Judge. (3:02-cr-00094-FDW-1)

Submitted: January 22, 2013

Decided: January 25, 2013

Before WILKINSON, NIEMEYER, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Eleazar Teodoro-Basilio, Appellant Pro Se. Jill Westmoreland
Rose, OFFICE OF THE UNITED STATES ATTORNEY, Asheville, North
Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Eleazar Teodoro-Basilio appeals the district court's order denying his motion for reduction of sentence under 18 U.S.C. § 3582(c)(2) (2006). We have reviewed the record and find no reversible error.* Accordingly, we deny Teodoro-Basilio's motion for appointment of counsel and affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

* The district court stated that Amendment 750 to the United States Sentencing Guidelines was inapplicable because Teodoro-Basilio's offense did not involve crack cocaine. Teodoro-Basilio was convicted of conspiracy to possess with intent to distribute and to distribute marijuana, cocaine, and cocaine base. However, for sentencing purposes, the court held him accountable for only marijuana and cocaine powder. Therefore, Amendment 750 did not apply to Teodoro-Basilio's case.