

Filed: January 23, 2013

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7887
(3:11-cr-00100-REP-1)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CARLTON A. EDWARDS,

Defendant - Appellant.

O R D E R

The Court amends its opinion filed January 23, 2013, as follows:

On the cover sheet, district court information section -- the district court docket number is corrected.

For the Court - By Direction

/s/ Patricia S. Connor
Clerk

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7887

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CARLTON A. EDWARDS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, Senior District Judge. (3:11-cr-00100-REP-1)

Submitted: January 17, 2013

Decided: January 23, 2013

Before GREGORY, SHEDD, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Carlton A. Edwards, Appellant Pro Se. Jamie L. Mickelson, Assistant United States Attorney, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Carlton A. Edwards appeals the district court's order denying his motion seeking to compel the Government to file a motion for reduction of sentence in his case. We have reviewed the record and find no reversible error. See Wade v. United States, 504 U.S. 181, 185-87 (1992) (describing the scope of the prosecution's discretion in filing such a motion); United States v. Butler, 272 F.3d 683, 686-87 (4th Cir. 2001) (same); see also United States v. LeRose, 219 F.3d 335, 341-43 (4th Cir. 2000) (evidentiary hearing not required unless defendant makes a "substantial threshold showing" that the prosecution's refusal to file the requested motion resulted from improper or suspect motives (quoting Wade, 504 U.S. at 186)). Accordingly, we affirm the judgment of the district court. 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