

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6234

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KEVIN GLENN, a/k/a Manny,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. J. Frederick Motz, Senior District Judge. (1:01-cr-00304-JFM-6)

Submitted: May 30, 2013

Decided: June 5, 2013

Before SHEDD, DIAZ, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Kevin Glenn, Appellant Pro Se. John Francis Purcell, Jr., Assistant United States Attorney, Stephen Schenning, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kevin Glenn appeals the district court order denying his 18 U.S.C. § 3582(c)(2) (2006) motion for a sentence reduction. On appeal, Glenn argues that the district court erred in denying his motion to reduce his sentence under the crack cocaine Guidelines amendments because his Guidelines range was driven by a murder cross-reference that was inappropriately applied during his original sentencing. However, his argument is unavailing, as challenges to the sentencing court's original Guidelines calculations, insofar as they are unaffected by the amendment at issue, are not appropriately raised in a § 3582(c)(2) motion. See United States v. Stewart, 595 F.3d 197, 201 (4th Cir. 2010) (acknowledging that consideration of a § 3582(c)(2) motion does not constitute "a full resentencing by the court"); United States v. Dunphy, 551 F.3d 247, 251-52 (4th Cir. 2009) (holding that § 3582(c) proceedings "do not constitute a full resentencing of the defendant" and "allow a limited reduction of sentence . . . while prohibiting a complete reevaluation" (internal quotation marks omitted)). For the same reason, Glenn's challenge to the original 360-month sentence he received is not properly before this court.

Accordingly, we affirm the district court's judgment. We deny Glenn's motion for appointment of counsel. 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