

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-7392

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DANIEL RAY BUIE,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. Terry L. Wooten, Chief District Judge. (4:08-cr-00964-TLW-1)

Submitted: January 23, 2014

Decided: January 27, 2014

Before WILKINSON and DIAZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Daniel Ray Buie, Appellant Pro Se. Alfred William Walker Bethea, Jr., Assistant United States Attorney, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Daniel Ray Buie appeals the district court's order denying his motion for a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(2) (2012). We conclude that the district court properly determined that Buie was ineligible for a sentence reduction because his sentencing range was determined by his career offender designation, rather than the crack cocaine Guidelines. See U.S. Sentencing Guidelines Manual ("USSG") App. C, Guideline 759 (2011) (defining "applicable guideline range" as "the guideline range that corresponds to the offense level and criminal history category determined pursuant to [USSG] § 1B1.1(a), which is determined before consideration of any departure provision in the Guidelines Manual or any variance"); United States v. Munn, 595 F.3d 183, 187 (4th Cir. 2010). Accordingly, we affirm the district court's order. 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