

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7313

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LEON PRATER,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Wheeling. Frederick P. Stamp, Jr., Senior District Judge. (5:10-cr-00041-FPS-JES-1)

Submitted: January 29, 2015

Decided: February 5, 2015

Before MOTZ, GREGORY, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Leon Prater, Appellant Pro Se. John Castle Parr, Assistant United States Attorney, Wheeling, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Leon Prater appeals the district court's order denying his request for approval to pursue a sentence reduction under 18 U.S.C. § 3582(c)(2) (2012). In denying Prater's request, the court concluded that Prater was not eligible for a sentence reduction under Amendment 750 because he was sentenced as a career offender. Prater's sentence, however, was not based on his status as a career offender but was the sentence agreed to by the parties in the binding plea agreement. See Fed. R. Crim. P. 11(c)(1)(C). Nevertheless, we conclude that Prater was not entitled to a sentence reduction and we therefore affirm the court's judgment.

Prater also appeals the district court's order denying his motion for reconsideration. Although we conclude that the court was without authority to consider the motion on the merits, United States v. Goodwyn, 596 F.3d 233, 236 (4th Cir. 2010), we affirm the denial of the motion.

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