

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7894

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTHONY DESHAWN BANKS, a/k/a Eight,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Newport News. Rebecca Beach Smith, Chief District Judge. (4:06-cr-00042-RBS-JEB-2)

Submitted: April 13, 2015

Decided: April 22, 2015

Before MOTZ, KING, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Anthony Deshawn Banks, Appellant Pro Se. Robert Edward Bradenham, II, Assistant United States Attorney, Newport News, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Anthony Deshawn Banks appeals the district court's order denying his 18 U.S.C. § 3582(c)(2) (2012) motion for reduction of sentence. In his motion, Banks sought the benefit of Amendment 782 of the U.S. Sentencing Guidelines, which reduced the base offense levels applicable to most offenses involving crack cocaine. The record reflects that, at sentencing, Banks was held responsible for 133.2 kg. of crack, and his Guidelines range was 292-365 months. Application of Amendment 782 does not have the effect of lowering his Guidelines range, which remains 292-365 months. See U.S. Sentencing Guidelines Manual § 1B1.10(a)(2)(B), p.s. (2014). Accordingly, we conclude that the district court did not abuse its discretion in denying Banks' motion. See United States v. Smalls, 720 F.3d 193, 195 (4th Cir. 2013) (stating standard of review). We therefore affirm. 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