

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-6576

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBERT L. NICHOLS, JR., a/k/a Robert L. Nicholas, Jr.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, Senior District Judge. (3:06-cr-00199-JRS-1)

Submitted: July 23, 2015

Decided: July 28, 2015

Before NIEMEYER and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Robert L. Nichols, Jr., Appellant Pro Se. Dominick Salvatore Gerace, II, Heather L. Hart, Stephen Wiley Miller, Assistant United States Attorneys, Norman Scott Sacks, OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert L. Nichols, Jr., appeals from the district court's order denying his 18 U.S.C. § 3582(c)(2) (2012) motion for a sentence reduction based on Amendment 782 to the U.S. Sentencing Guidelines Manual. We affirm.

The district court properly concluded that it lacked authority to grant a sentence reduction under § 3582(c)(2) because Nichols' Guidelines range was driven by his career offender designation and not by a drug quantity. See United States v. Munn, 595 F.3d 183, 187 (4th Cir. 2010).

Accordingly, we affirm on the reasoning of the district court. United States v. Nichols, No. 3:06-cr-00199-JRS-1 (E.D. Va. filed Mar. 30, 2015; entered Mar. 31, 2015). 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