

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 16-6873**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TERRY L. DOWDELL,

Defendant - Appellant.

---

Appeal from the United States District Court for the Western District of Virginia, at Charlottesville. Norman K. Moon, Senior District Judge. (3:02-cr-00107-NKM-1)

---

Submitted: October 13, 2016

Decided: October 18, 2016

---

Before NIEMEYER, DUNCAN, and WYNN, Circuit Judges.

---

Affirmed by unpublished per curiam opinion.

---

Terry L. Dowdell, Appellant Pro Se. Jean Barrett Hudson, Assistant United States Attorney, Charlottesville, Virginia, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Terry L. Dowdell appeals the district court's order denying his motion to compel the Bureau of Prisons to move for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A) (2012). Although the district court treated Dowdell's filing as a substantive § 3582 motion, we conclude that the court's denial of relief nevertheless was proper. Courts may compel action from the Government "only if [it] owes [the movant] a clear nondiscretionary duty." Heckler v. Ringer, 466 U.S. 602, 616 (1984). Federal law vests the Bureau of Prisons with discretion to seek a sentence reduction pursuant to § 3582(c)(1)(A). See 18 U.S.C. § 3582(c)(1)(A) ("[T]he court, upon motion of the Director of the Bureau of Prisons, may reduce the term of imprisonment . . . after considering the [relevant] factors. . . ."); United States v. Ellis, 527 F.3d 203, 205 (1st Cir. 2008) (noting that consideration for sentencing relief under § 3582(c)(1)(A) is "a matter of discretion for the Bureau [of Prisons]"). We therefore affirm the district court's denial of relief and deny as moot Dowdell's motion to expedite.

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