

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-6239**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FREDDIE L. D. MORGAN,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, District Judge. (3:10-cr-00288-JRS-1)

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Submitted: April 24, 2012

Decided: May 24, 2012

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Before NIEMEYER, KING, and FLOYD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Freddie L. D. Morgan, Appellant Pro Se. Brandon Michael Santos, OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Freddie L. D. Morgan appeals the district court's order denying his 18 U.S.C. § 3582(c)(2) (2006) motion. The foregoing provision permits modification of a defendant's term of imprisonment when such term is "based on a sentencing range that has subsequently been lowered by the Sentencing Commission," in accordance with the Commission's statutory authority to review and revise the Sentencing Guidelines. See id. (citing 28 U.S.C. § 994(o)). Morgan's sentence, however, was not based on the Guidelines, but was instead premised on 21 U.S.C. § 841(b)(1)(B)(iii), in conformance with the mandatory minimum term of imprisonment therein prescribed at the time he committed the offenses of conviction. Prior to Morgan's trial and sentencing, § 841 was amended to increase the threshold quantity of certain controlled substances triggering specific mandatory minimums, yet Morgan pursued no appeal.

Section 3582, which by its terms is limited to modification of Guidelines sentences, is not the appropriate vehicle to seek relief from a mandatory minimum sentence imposed by statute. See United States v. Munn, 595 F.3d 183, 187 (4th Cir. 2010) ("[A] defendant who was convicted of a crack offense but sentenced pursuant to a mandatory statutory minimum sentence is ineligible for a reduction under § 3582(c)(2).") (citation omitted). Accordingly, we affirm the district court's denial of

relief. United States v. Morgan, No. 3:10-cr-00288-JRS-1 (E.D. Va. Jan. 20, 2012). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED