

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-6320

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CALVIN COLWETH GARNER, JR., a/k/a Spoke,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Greenville. Terrence W. Boyle, District Judge. (4:10-cr-00079-BO-1)

Submitted: July 20, 2021

Decided: July 23, 2021

Before WILKINSON, AGEE, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Calvin Colweth Garner, Jr., Appellant Pro Se. Kristine L. Fritz, Assistant United States Attorney, Jennifer P. May-Parker, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Calvin Colweth Garner, Jr., appeals from the district court's order granting relief on his motion for a sentence reduction pursuant to Section 404(b) of the First Step Act of 2018 (FSA 2018), Pub. L. No. 115-391, 132 Stat. 5194, 5222.* We have reviewed the record and conclude that the district court did not abuse its discretion in reducing Garner's prison term. *See United States v. Jackson*, 952 F.3d 492, 497, 502 (4th Cir. 2020) (reviewing decision on FSA 2018 sentence reduction motion for abuse of discretion). Accordingly, we affirm for the reasons stated by the district court. *United States v. Garner*, No. 4:10-cr-00079-BO-1 (E.D.N.C. Feb. 16, 2021). We deny Garner's motion to seal as he must present such a motion in the district court. *See* 4th Cir. R. 25(c)(2)(A). 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

* Although the district court granted Garner's motion, the reduction granted by the district court did not reduce his sentence to the full extent he requested.