

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 23-6494**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RODNEY TYREAL WHEELER,

Defendant - Appellant.

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Appeal from the United States District Court for the Northern District of West Virginia, at Martinsburg. John Preston Bailey, District Judge. (3:07-cr-00070-JPB-RWT-3)

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Submitted: January 30, 2024

Decided: February 5, 2024

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Before KING, AGEE, and THACKER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Rodney Tyreal Wheeler, Appellant Pro Se. Kimberley DeAnne Crockett, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Martinsburg, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rodney Tyreal Wheeler appeals the district court’s order denying his motion for a sentence reduction under § 404(b) of the First Step Act of 2018 (“the Act”), Pub. L. No. 115-391, 132 Stat. 5194, 5222. On appeal, Wheeler does not challenge the court’s dispositive determination that the motion was barred by § 404(c) of the Act, which provides, *inter alia*, that “[n]o court shall entertain a motion made under this section to reduce a sentence if the sentence was previously imposed or previously reduced in accordance with the amendments made by sections 2 and 3 of the Fair Sentencing Act of 2010.” 132 Stat. at 5222. Wheeler has therefore forfeited review of the court’s order denying a sentence reduction.\* *See* 4th Cir. R. 34(b); *Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014) (“The informal brief is an important document; under Fourth Circuit rules, our review is limited to issues preserved in that brief.”).

Accordingly, we affirm the district court’s order. *United States v. Wheeler*, No. 3:07-cr-00070-JPB-RWT (N.D. W. Va. Apr. 19, 2023). 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*

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\* To the extent the district court alternatively construed Wheeler’s motion as a motion seeking compassionate release under 18 U.S.C. § 3582(c)(1)(A), we discern no abuse of discretion in the court’s denial of such relief. *See United States v. Malone*, 57 F.4th 167, 172 (4th Cir. 2023) (stating standard).