

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6617

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RYAN OSHAY LEE,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. James C. Dever, III, Chief District Judge. (7:07-cr-00079-D-1)

Submitted: September 25, 2014

Decided: September 29, 2014

Before WILKINSON and AGEE, Circuit Judges, and DAVIS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Ryan Oshay Lee, Appellant Pro Se. Timothy Severo, Shailika K. Shah, Seth Morgan Wood, OFFICE OF THE UNITED STATES ATTORNEY; Stephen Aubrey West, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ryan Oshay Lee appeals the district court's order denying his 18 U.S.C. § 3582(c)(2) (2012) motion for reduction in his sentence based on Amendments 750 and 759 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 Lee's Guidelines range was driven by his career offender designation and not the crack cocaine Guidelines provisions. See United States v. Munn, 595 F.3d 183, 187 (4th Cir. 2010). To the extent that Lee challenges the continued viability of that designation, such a claim is not properly pursued in a § 3582(c)(2) motion. See Dillon v. United States, 560 U.S. 817 (2010) (explaining that § 3582(c)(2) does not authorize full resentencing, but permits sentence reduction only within narrow bounds established by the Sentencing Commission).

Accordingly, we affirm the district court's order. See United States v. Lee, No. 7:07-cr-00079-D-1 (E.D.N.C. Apr. 8, 2014). We deny Lee's motion for the appointment of counsel. 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