

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-6754

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KELVIN JEROD HOLMAN, a/k/a J-Five,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Orangeburg. Margaret B. Seymour, Senior District Judge. (5:04-cr-00964-MBS-2)

Submitted: October 31, 2019

Decided: November 5, 2019

Before MOTZ and KING, Circuit Judges, and SHEDD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Kelvin Jerod Holman, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kelvin Jerod Holman appeals the district court's order denying his motion for a sentence reduction pursuant to section 404 of the First Step Act of 2018 ("First Step Act"), Pub. L. No. 115-391, § 404, 132 Stat. 5194, 5222, which permits a district court to impose a reduced sentence for defendants convicted of covered offenses as if certain provisions of the Fair Sentencing Act of 2010 ("FSA"), Pub. L. No. 111-220, §§ 2-3, 124 Stat. 2372, 2372, were in effect at the time the covered offense was committed. To qualify as a covered offense under the First Step Act, the conviction at issue had to have been modified by Section 2 or 3 of the FSA.

Holman pled guilty to conspiracy to distribute and to possess with intent to distribute 5 kilograms or more of cocaine and 50 grams or more of cocaine base, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), 846 (2006). Although Section 2 of the FSA increased the drug quantities necessary to trigger the mandatory minimum sentences in 21 U.S.C. § 841(b)(1) for crack cocaine offenses, it "left the statutory minimum sentences for powder cocaine in place." *United States v. Black*, 737 F.3d 280, 282 (4th Cir. 2013). Because the First Step Act did not alter Holman's statutory sentencing range, we affirm the district court's denial of relief. 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