

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-7103

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KERMIT C. BROWN, a/k/a Brian Mackey, a/k/a Destruction, a/k/a Bear,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Raymond A. Jackson, District Judge. (2:98-cr-00047-RAJ-RJK-11)

Submitted: November 19, 2019

Decided: November 22, 2019

Before WILKINSON and RICHARDSON, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Kermit C. Brown, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kermit C. Brown appeals the district court's order denying his motion for a sentence reduction pursuant to the First Step Act of 2018 ("First Step Act"), Pub. L. No. 115-391, § 404, 132 Stat. 5194, 5222, which permits—but does not require—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, Pub. L. No. 111-220, §§ 2-3, 124 Stat. 2372, 2372, were in effect at the time the covered offense was committed. Brown was convicted, *inter alia*, of conspiracy to distribute and to possess with intent to distribute 50 grams or more of cocaine base, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), 846 (1996), and murder during a continuing criminal enterprise, in violation of 21 U.S.C. § 848(e) (2006).

We review a district court's ruling on a motion for sentence reduction for abuse of discretion. *See United States v. Mann*, 709 F.3d 301, 304 (4th Cir. 2013). Although the district court observed that Brown's conviction under 21 U.S.C. §§ 841(a)(1), (b)(1)(A) qualified as a covered offense, the court nevertheless declined to exercise its discretion to reduce Brown's sentence based on Brown's violent criminal history. Because the court did not abuse its discretion in denying relief, we affirm the district court's order. 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