

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-6727

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMES TYRIQUE SHEPHERD,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at
Charlotte. Frank D. Whitney, Senior District Judge. (3:21-cr-00257-FDW-DCK-1)

Submitted: October 22, 2024

Decided: January 13, 2025

Before GREGORY, BENJAMIN, and BERNER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James Tyrique Shepherd, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Tyrique Shepherd appeals the district court's order denying his motion for sentence reduction under 18 U.S.C. § 3582(c)(2) based on Amendment 821 to the Sentencing Guidelines. We review the denial of a motion under § 3582(c)(2) for abuse of discretion. *United States v. Martin*, 916 F.3d 389, 395 (4th Cir. 2019). In considering whether to reduce a sentence under § 3582(c)(2), the district court must first determine whether the prisoner is eligible for a reduction and, if so, the extent of the reduction authorized. *Id.* Here the district court correctly found that Shepherd was not eligible for a sentence reduction based on Amendment 821. Accordingly, we affirm the district court's order. *United States v. Shepherd*, No. 3:21-cr-00257-FDW-DCK-1 (W.D.N.C. July 3, 2024). We also deny Shepherd's motion to appoint 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