

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-7073

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ATIF BABAR MALIK,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore.
James K. Bredar, Senior District Judge. (1:16-cr-00324-JKB-2)

Submitted: March 27, 2025

Decided: April 1, 2025

Before THACKER and BERNER, Circuit Judges, and KEENAN, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Atif Babar Malik, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Atif Babar Malik appeals the district court's order denying his motion for reduction of sentence, pursued under 18 U.S.C. § 3582(c)(1)(A). We have reviewed the record and find no reversible error. Malik claimed that the Bureau of Prisons (BOP) failed to properly calculate and apply earned time credits to his sentence and requested as relief that his credits be applied to the early termination of his term of supervised release. The district court correctly recognized that, even if the BOP had erred in its calculation and application, the length of a supervised release term is not reduced "by reason of excess time served in prison." *United States v. Johnson*, 529 U.S. 53, 59-60 (2000). Contrary to Malik's appellate argument, the First Step Act of 2018 (FSA 2018), Pub. L. No. 115-391, 132 Stat. 5194 (2018), does not direct a different result. Time credits earned under the FSA 2018 are to be applied to reduce an incarcerated person's prison term, not the person's term of supervised release. *See* 18 U.S.C. §§ 3632(d)(4)(C), 3624(g)(3). Further, as Malik appears to acknowledge, modification or termination of a term of supervised release may be pursued under 18 U.S.C. § 3583(e)(1)-(2).

Accordingly, we affirm the district court's order. *United States v. Malik*, No. 1:16-cr-00324-JKB-2 (D. Md. Oct. 25, 2024). 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