UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6552

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TYVON RICARDO PRESTON, a/k/a Bow Wow,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Samuel G. Wilson, District Judge. (7:10-cr-00054-SGW-4)

Submitted: August 27, 2013 Decided: September 5, 2013

Before KEENAN and WYNN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Tyvon Ricardo Preston, Appellant Pro Se. Charlene Rene Day, Assistant United States Attorney, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

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PER CURIAM:

In 2011, Tyvon Ricardo Preston filed an 18 U.S.C. § 3582(c)(2) (2006) motion, seeking the benefit of Amendment 750 to the United States Sentencing Guidelines. The district court denied the motion, concluding that Preston had received the benefit of Amendment 750 at his original sentencing. Preston did not appeal this decision. In 2013, Preston filed a second § 3582(c)(2) motion, again seeking the benefit of Amendment 750, and the court denied relief. Preston appeals from this order. We affirm.

In United States v. Goodwyn, 596 F.3d 233 (4th Cir. 2010), we held that a district court lacks authority to grant a motion to reconsider its ruling on a § 3582(c)(2) motion. Id. at 234. Under Goodwyn, Preston had only one opportunity to seek, through a § 3582(c)(2) motion, the benefit of Amendment 750. See id. at 235-36. Once the district court ruled on Preston's first § 3582(c)(2) motion, it lacked authority to consider subsequent relief based on the same Amendment, either by way of a second § 3582(c)(2) motion or a motion for reconsideration of the initial order.

Accordingly, we affirm the district court's order denying Preston's second § 3582(c)(2) motion. 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