

FILED: November 26, 2019

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-7132
(4:10-cr-00599-RBH-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

FRANKLIN MACKENSIE ROBINSON

Defendant - Appellant

J U D G M E N T

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 19-7132

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FRANKLIN MACKENSIE ROBINSON,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence.
R. Bryan Harwell, Chief District Judge. (4:10-cr-00599-RBH-1)

Submitted: November 21, 2019

Decided: November 26, 2019

Before KEENAN and DIAZ, Circuit Judges, and SHEDD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Franklin Mackensie Robinson, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Franklin Mackensie Robinson appeals the district court's text order denying his motion for judicial review under the Administrative Procedure Act. We have reviewed the record and find no reversible error. The Administrative Procedure Act does not apply to Robinson's criminal proceedings, and the district court did not err in denying this frivolous motion. Accordingly, we affirm. 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

Exhibit - 1 - C
Appendix - B

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

District of South Carolina

Notice of Electronic Filing

The following transaction was entered on 7/22/2019 at 2:17 PM EDT and filed on 7/22/2019

Case Name: USA v. Robinson et al

Case Number: 4:10-cr-00599-RBH

Filer:

Document Number: 1148(No document attached)

Docket Text:

TEXT ORDER denying Defendant Franklin Mackensie Robinson's [1131] pro se motion to reduce sentence under the First Step Act. In this case, the record reflects that Defendant has already been sentenced pursuant to the reduced statutory penalties set forth in the Fair Sentencing Act of 2010. The First Step Act of 2018 specifically precludes consideration of motions to reduce sentences for defendants who have already been sentenced pursuant to the Fair Sentencing Act of 2010. Therefore, because Defendant has already been sentenced pursuant to the Fair Sentencing Act, he is not eligible for relief under the terms of the First

Step Act. Defendant's [1131] pro se motion to reduce sentence under the First Step Act is DENIED. Defendant's [1137] Formal Request for Judicial Review pursuant to the Administrative Procedures Act is also DENIED. Signed by Chief Judge R Bryan Harwell on 7/22/2019.(tmcb,)

**Additional material
from this filing is
available in the
Clerk's Office.**