

UNPUBLISHED

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

No. 20-6499

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BERNARD WEITERS, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at
Charleston. David C. Norton, District Judge. (2:09-cr-00987-DCN-1)

Submitted: August 20, 2020

Decided: August 25, 2020

Before GREGORY, Chief Judge, WYNN, and QUATTLEBAUM, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Bernard Weiters, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bernard Weiters, Jr., appeals the district court's order denying his motion, filed pursuant to the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194, for a reduction in his aggregate 420-month sentence. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *United States v. Weiters*, No. 2:09-cr-00987-DCN-1 (D.S.C. Apr. 2, 2020). 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

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

The following matter is before the court is on Bernard Weiters, Jr.’s (“defendant”) pro se motion to reduce his sentence pursuant to the First Step Act of 2018, Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person Act, Pub. L. No. 115-391, 132 Stat. 5194 (2018) (“First Step Act”). ECF No. 184, as supplemented by ECF Nos. 185–86.

On February 7, 2020, defendant was advised by the Federal Public Defender not to continue pursuing this instant motion because he is not currently eligible for relief under the First Step Act. ECF No. 187. On February, 12, 2020, defendant responded by stating he disagreed with the Federal Public Defender, and requested the Federal Public Defender file a motion to withdraw as his counsel because defendant wished to proceed pro se. Id. On February 24, 2020, the Federal Public Defender withdrew as defendant's counsel. ECF No. 188.

The First Step Act grants courts the discretion to reduce the sentence of a defendant who was convicted of an offense modified by the Fair Sentencing Act of 2010, Pub. L. No. 111-220; 124 Stat. 2372 (2010), where such sentence was not previously imposed or previously reduced in accordance with the amendments made by sections 2 and 3 of the Fair Sentencing Act of 2010. Defendant is not eligible for consideration

based upon the First Step Act because his original sentence was previously reduced in accordance with the amendments made by sections 2 and 3 of the Fair Sentencing Act. ECF No. 131.

Defendant's motion is, therefore, **DENIED**.

AND IT IS SO ORDERED.



DAVID C. NORTON
UNITED STATES DISTRICT JUDGE

April 2, 2020
Charleston, South Carolina