

APPENDIX A

- THE OPINION OF THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT.

UNPUBLISHED

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

No. 17-7113

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ERIC L. JACKSON, a/k/a Tango,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia,
at Wheeling. Frederick P. Stamp, Jr., Senior District Judge. (5:01-cr-00004-FPS-MJA-
1)

Submitted: December 21, 2017

Decided: December 28, 2017

Before WILKINSON and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit
Judge.

Affirmed by unpublished per curiam opinion.

Eric L. Jackson, Appellant Pro Se. Robert Hugh McWilliams, Jr., John Castle Parr,
Assistant United States Attorneys, OFFICE OF THE UNITED STATES ATTORNEY,
Wheeling, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Eric L. Jackson appeals the district court's order denying Jackson's pro se motion seeking multiple forms of relief from his 2001 criminal judgment, including a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) (2012) and Amendment 782 to the U.S. Sentencing Guidelines Manual and the issuance of a writ of audita querela. We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's order. *See United States v. Jackson*, No. 5:01-cr-00004-FPS-MJA-1 (N.D.W. Va. Aug. 14, 2017). 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

APPENDIX B

- THE ORDER OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Action No. 5:01CR4
(STAMP)

ERIC L. JACKSON, a/k/a "TANGO,"

Defendant.

**ORDER DENYING DEFENDANT'S MOTION TO MODIFY, AMEND, AND/OR
SUPPLEMENT JUDGMENT UNDER AMENDMENT 782, PURSUANT TO
ALLEGED FALSE TESTIMONY, AND UNDER AUDITA QUERELA**

On August 11, 2017, this Court received the defendant's pro se¹ motion to modify, amend, and/or supplement judgment under Amendment 782 of the United States Sentencing Commission Guidelines, pursuant to a witness's alleged false testimony, and under Audita Querela. ECF No. 219. In the motion, the defendant first moves the Court to reduce his sentence under Amendment 782. The Court has already ruled on this issue, pursuant to a prior motion from this defendant, as follows:

After reviewing the record, this Court finds that the defendant's motion for a reduced sentence must be denied. The amendment that the defendant relies upon has no impact on his sentence. More specifically, at the time of his sentencing, the defendant's relevant conduct was determined to be 30 kilograms of cocaine base which would have resulted in a base offense level of 38 as the offense involved 25.2 kilograms or more of cocaine base. With Amendment 782, the base offense level for offenses involving 25.2 kilograms or more of cocaine base remains a base offense level of 38. Therefore, the amendment has no impact on the computation of his Guidelines.

¹"Pro se" describes a person who represents himself in a court proceeding without the assistance of a lawyer. Black's Law Dictionary 1416 (10th ed. 2014).

Accordingly, the defendant's [motion to reduce sentence is] DENIED.

ECF No. 182. Thus, the defendant's present motion to reduce sentence under Amendment 782 must be denied.

Next, the defendant moves the Court to reduce his sentence as a result of alleged false testimony from government witness Michael Williams. The defendant's motion as to this issue is conclusory and has also been dealt with in a prior order (ECF No. 216). Accordingly, the defendant's motion to reduce sentence as a result of alleged false testimony must be denied. Lastly, the defendant moves the Court to reduce his sentence under Audita Querela. The motion to reduce sentence pursuant to Audita Querela is without merit and must also be denied. Accordingly, the defendant's motion to modify, amend, and/or supplement judgment (ECF No. 219) is hereby DENIED in its entirety.

IT IS SO ORDERED.

The Clerk is directed to transmit copies of this order to the defendant, to counsel of record herein, to the United States Probation Office, and to the United States Marshals Service.

DATED: August 14, 2017

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE

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available in the
Clerk's Office.**