

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-8489

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TODD ANDREW HERBERT,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Harrisonburg. Norman K. Moon, District Judge. (5:97-cr-30024-nkm-1)

Submitted: February 19, 2009

Decided: February 27, 2009

Before WILKINSON, DUNCAN, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Todd Andrew Herbert, Appellant Pro Se. Joseph William Hooge Mott, Assistant United States Attorney, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Todd Andrew Herbert appeals the district court order denying his motion to reduce his sentence under 18 U.S.C. § 3582(c)(2) (2006). We have reviewed the record and Herbert's contentions on appeal and find the district court did not abuse its discretion denying the motion. See United States v. Goines, 357 F.3d 469, 478 (4th Cir. 2004). Accordingly, we affirm for the reasons stated by the district court. See United States v. Herbert, No. 5:97-cr-30024-nkm-1 (W.D. Va. Nov. 5, 2008). We deny Herbert's motion for appointment of counsel. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED