

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-6630

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CARLTON BASHFORD,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Senior District Judge. (1:91-cr-00332-1)

Submitted: August 20, 2009

Decided: August 27, 2009

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

Affirmed by unpublished per curiam opinion.

David S. Bracken, DAVID S. BRACKEN, P.C., Alexandria, Virginia, for Appellant. Dana J. Boente, United States Attorney, Jeffrey H. Zeeman, Special Assistant United States Attorney, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Carlton Bashford appeals the district court's order granting his motion for reduction of sentence under 18 U.S.C. § 3582(c)(2) (2006). Bashford asserts on appeal that the district court erred in declining to sentence him below the amended Guidelines range for crack cocaine offenses, contending that a lower sentence would be permitted by Kimbrough v. United States, 552 U.S. 85 (2007), and United States v. Booker, 543 U.S. 220 (2005). However, this argument is foreclosed by this court's decision in United States v. Dunphy, 551 F.3d 247, 257 (4th Cir.), cert. denied, 129 S. Ct. 2401 (2009). Moreover, the district court did not abuse its discretion in imposing a sentence at the low end of the amended Guidelines range. See United States v. Goines, 357 F.3d 469, 478 (4th Cir. 2004) (stating standard of review).

Accordingly, we affirm the order of the district court and we deny the 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