

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-6966**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

VINCENT RUTHERFORD,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Graham C. Mullen, Senior District Judge. (1:02-cr-00049-GCM-1)

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Submitted: December 17, 2009

Decided: January 21, 2010

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Before WILKINSON, NIEMEYER, and AGEE, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Vincent Rutherford, Appellant Pro Se. C. Nicks Williams, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Vincent Rutherford appeals the district court's order denying his motion for reduction of sentence, 18 U.S.C. § 3582(c) (2006). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Rutherford, No. 1:02-cr-00049-GCM-1 (W.D.N.C. May 21, 2009). We deny Rutherford's motion to strike sentencing enhancement and request for evidentiary hearing and incorporated memorandum of law, and 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