

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-5134**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MARCEL BARNES, a/k/a Larry Kevin Brown,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Rebecca Beach Smith, District Judge. (CR-94-52)

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Submitted: July 19, 2006

Decided: August 1, 2006

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Before WILKINSON, NIEMEYER, and GREGORY, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Marcel Barnes, Appellant Pro Se. Laura Marie Everhart, Assistant United States Attorney, Norfolk, Virginia, for Appellee

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Marcel Barnes appeals the district court's order granting his 28 U.S.C. § 3582(c)(2) (2000) motion and reducing his sentence from life in prison to 360 months. We reject Barnes' claim on appeal that he can raise a challenge to his sentence under United States v. Booker, 543 U.S. 220 (2005), in a § 3582(c)(2) motion. See United States v. Moreno, 421 F.3d 1217, 1220-21 (11th Cir. 2005), cert. denied, 126 S. Ct. 1643 (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. Barnes, No. CR-94-52 (E.D. Va. Nov. 4, 2005). 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