

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-6998

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

PATRICK LAMAR HARRIS,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. C. Weston Houck, Senior District Judge. (CR-94-297)

Submitted: April 27, 2006

Decided: May 3, 2006

Before NIEMEYER and MOTZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Patrick Lamar Harris, Appellant Pro Se. Marshall Prince, OFFICE OF THE UNITED STATES ATTORNEY, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Patrick Lamar Harris appeals from the district court's orders denying his 18 U.S.C. § 3582(c)(2) (2000) motion for reduction of sentence and denying his motion for reconsideration. Harris asserts that he is entitled to a reduction of sentence based on Amendment 591 to the U.S. Sentencing Guidelines. This Amendment requires a sentencing court to apply the offense guideline referenced in the Statutory Index in Appendix A based on the statute of conviction, rather than a defendant's actual conduct. See U.S. Sentencing Guidelines Manual App. C, Amend. 591 (2004); United States v. Rivera, 293 F.3d 584, 586-87 (2d Cir. 2002). Because Harris was sentenced under the correct guideline for his convicted offenses, we affirm the orders of the district court. 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