

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 05-7669

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

LARRY DEAN DUTTON,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Graham C. Mullen, Senior District Judge. (CR-94-103-MU)

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Submitted: March 23, 2006

Decided: March 29, 2006

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Before WILKINSON, LUTTIG, and WILLIAMS, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Larry Dean Dutton, Appellant Pro Se. Amy Elizabeth Ray, OFFICE OF THE UNITED STATES ATTORNEY, Asheville, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Larry Dean Dutton appeals the district court's order denying relief on a motion to modify his sentence under 18 U.S.C. § 3582(c)(2) (2000). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See United States v. Dutton, No. CR-94-103-MU (W.D.N.C. filed Sept. 29, 2005 & entered Sept. 30, 2005) ; see also United States v. Moreno, 421 F.3d 1217, 1220 (11th Cir. 2005) (holding United States v. Booker, 543 U.S. 220 (2005), "is inapplicable to § 3582(c) motions."). 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