

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7792

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DEMECIO ONTIVEROS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. Terrence W. Boyle, District Judge. (CR-02-176-BO-1)

Submitted: May 26, 2006

Decided: June 12, 2006

Before MICHAEL, KING, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Robert Allen Ratliff, ROBERT A. RATLIFF, PC, Mobile, Alabama, for Appellant. Steve R. Matheny, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Demecio Ontiveros appeals the district court's orders denying relief on his motion to modify his sentence under 18 U.S.C. § 3582(c)(2) (2000) and his motion to reconsider. We have reviewed the record and find no reversible error. Accordingly, we affirm the denial of Ontiveros's § 3582 motion and motion to reconsider on the basis that § 3582(c)(2) does not provide for a remedy where, as here, the Sentencing Commission has not reduced the applicable guidelines range. 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