

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7912

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SONJI PRINCE PABELLON,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Spartanburg. Henry M. Herlong, Jr., District Judge. (CR-98-1169-HMH)

Submitted: March 28, 2007

Decided: April 25, 2007

Before MICHAEL, KING, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Sonji Prince Pabellon, Appellant Pro Se. Elizabeth Jean Howard, OFFICE OF THE UNITED STATES ATTORNEY, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sonji Prince Pabellon appeals the district court's text orders denying her motion for modification of sentence pursuant to 18 U.S.C.A. § 3582(c)(2) (West 2000 & Supp. 2006) and her motion for reconsideration. Finding no reversible error, we affirm.

Pabellon argues that the district court violated her due process rights under the Fifth Amendment by rendering oral orders or "text orders" rather than issuing an opinion and explaining why her motions were denied. Based on our review of the record, we find no evidence that Pabellon was prejudiced by the district court's decision to enter a text order and therefore find no Fifth Amendment violation. Cf. Blanco de Belbruno v. Ashcroft, 362 F.3d 272, 281-82 (4th Cir. 2004).

We also uphold the denial of Pabellon's motion for modification of sentence. Pabellon appears to base her motion on the Supreme Court's decisions in Blakely v. Washington, 542 U.S. 296 (2004), and United States v. Booker, 543 U.S. 220 (2005), and argues that the Supreme Court has lowered the sentencing range applicable to her case. This argument has been squarely rejected by several of our sister circuits. See Carrington v. United States, 470 F.3d 920, 923 (9th Cir. 2006); United States v. Rodriguez-Pena, 470 F.3d 431, 433 (1st Cir. 2006); United States v. Price, 438 F.3d 1005, 1007 (10th Cir.), cert. denied, 126 S. Ct.

2365 (2006); United States v. Moreno, 421 F.3d 1217, 1220 (11th Cir. 2005), cert. denied, 126 S. Ct. 1643 (2006).

Accordingly, we affirm the district court's orders denying Pabellon's motions for modification of sentence and her motion for reconsideration. 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