

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6721

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSEPH A. CRUM, a/k/a Unique,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Benson Everett Legg, Chief District Judge. (1:94-cr-00384-BEL)

Submitted: May 29, 2008

Decided: June 3, 2008

Before TRAXLER, GREGORY, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Joseph A. Crum, Appellant Pro Se. Katharine Jacobs Armentrout, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joseph A. Crum appeals from the district court's order denying his motion for reduction of 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. United States v. Crum, No. 1:94-cr-00384-BEL (D. Md. May 2, 2007). This decision is without prejudice to Crum's right to seek resentencing pursuant to Amendment 706 to the sentencing guidelines, which lowered the base offense level for drug offenses involving crack cocaine. See U.S. Sentencing Guidelines Manual (USSG) § 2D1.1 (2007); USSG App. C. Amend. 706. We have recently held that it is for the district court to first assess whether and to what extent a criminal defendant's sentence may be affected by Amendment 706, either sua sponte or by motion pursuant to 28 U.S.C. § 3582 (c) (2). United States v. Brewer, ___ F.3d ___, 2008 WL 733395 (4th Cir. Mar. 20, 2008). We deny Crum's motion for appointment of counsel and 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