

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 08-4751**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHAWN DEWAYNE RUCKER,

Defendant - Appellant.

---

Appeal from the United States District Court for the Southern District of West Virginia, at Beckley. Thomas E. Johnston, District Judge. (5:03-cr-00097-1)

---

Submitted: July 10, 2009

Decided: August 17, 2009

---

Before NIEMEYER, KING, and AGEE, Circuit Judges.

---

Affirmed by unpublished per curiam opinion.

---

Matthew A. Victor, VICTOR VICTOR & HELGOE LLP, Charleston, West Virginia, for Appellant. Charles T. Miller, United States Attorney, Miller Bushong, Assistant United States Attorney, Beckley, West Virginia, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shawn Dewayne Rucker appeals the district court's order revoking his supervised release, rejecting his claim that he was entitled to a two-level reduction in his offense level based upon the amendments to the crack cocaine sentencing guidelines, and imposing a twenty-one-month sentence upon revocation of supervised release. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Rucker, No. 5:03-cr-00097-1 (S.D.W. Va. July 15, 2008); see also United States v. Forman, 553 F.3d 585, 588-89 (7th Cir.), cert. denied, 129 S. Ct. 1924 (2009). 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