

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6363

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

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. (7:98-cr-01169-HMH-2)

Submitted: May 22, 2008

Decided: May 30, 2008

Before MOTZ and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Sonji Prince Pabellon, Appellant Pro Se. Harold Watson Gowdy, III, 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Unpublished opinions are not binding precedent in this circuit.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 order granting in part her motion for reduction of sentence and reducing her sentence from 121 months to 120 months. Pursuant to Amendment 706 to the Guidelines, which decreases by two levels the base offense levels for crack cocaine offenses, the district court reduced Pabellon's previous offense level from 32 to 30. See U.S. Sentencing Guidelines Manual ("USSG") § 2D1.1 (2007) (Amendment 706); USSG § 1B1.10(c) (Mar. 3, 2008); United States v. Brewer, 520 F.3d 367, 373 (4th Cir. 2008). In light of her criminal history category of I, Pabellon claims that she faced a potential sentencing range of 97 to 121 months under the Guidelines.

Pabellon notes that her previously imposed sentence of 121 months was at the bottom of the guideline range and therefore contends that the district court should have reduced her sentence to the bottom of the revised range, or to 97 months. We find this argument to be without merit. As set forth in the district court's order, Pabellon's amended guideline range was actually 120 to 121 months in light of the ten-year mandatory minimum sentence applicable to her offense. See 21 U.S.C.A. § 841(b)(1)(A) (West 1999 & Supp. 2007). Despite Pabellon's arguments to the contrary, the district court lacked authority to sentence her below the statutory mandatory minimum sentence as she requested. See United States v. Allen, 450 F.3d 565, 568-69 (4th Cir. 2006).

Accordingly, we affirm the district court's order and the resulting 120-month sentence. 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