

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6906

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LARRY CHARVELL JONES,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Martinsburg. John Preston Bailey, Chief District Judge. (3:06-cr-00042-JPB-JES-2)

Submitted: February 19, 2009

Decided: February 26, 2009

Before WILKINSON and TRAXLER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Brian Joseph Kornbrath, Federal Public Defender, Clarksburg, West Virginia, for Appellant. Paul Thomas Camilletti, Assistant United States Attorney, Martinsburg, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Larry Charvell Jones appeals a district court order granting in part and denying in party his motion for a sentence reduction under 18 U.S.C. § 3582(c) (2006). The district court applied Amendment 706 of the Sentencing Guidelines to Jones' total offense level and reduced Jones' sentence. The court denied Jones' request for a sentence below the amended Guidelines range of imprisonment. We affirm.

We find the district court did not abuse its discretion in granting Jones' motion for a sentence reduction. United States v. Goines, 357 F.3d 469, 478 (4th Cir. 2004) (stating standard of review). Insofar as Jones suggests the court could have considered an even lower sentence below the Guidelines sentencing range, this claim is foreclosed by United States v. Dunphy, 551 F.3d 247, 257 (4th Cir. 2009) ("[A] district judge is not authorized to reduce a defendant's sentence below the amended guideline range.").

Accordingly, we affirm the order granting Jones a sentence reduction. 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