

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6920

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PAUL ANDREW STOKES, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Henry Coke Morgan, Jr., Senior District Judge. (2:98-cr-00145-HCM-3)

Submitted: February 26, 2009

Decided: March 4, 2009

Before NIEMEYER, MICHAEL, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Paul Andrew Stokes, Jr., Appellant Pro Se. Scott W. Putney, Assistant United States Attorney, Newport News, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Paul Andrew Stokes, Jr., appeals the district court's order granting his motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c) (2006). Stokes argues that the district court erred by not conducting a full resentencing. We have reviewed the record and find no reversible error. Accordingly, we affirm. United States v. Stokes, No. 2:98-cr-00145-HCM-3 (E.D. Va., filed May 14, 2008; entered May 21, 2008); see United States v. Dunphy, 551 F.3d 247, 257 (4th Cir. 2009) ("When a sentence is within the guidelines applicable at the time of the original sentencing, in an 18 U.S.C. § 3582(c) resentencing hearing, a district judge is not authorized to reduce a defendant's sentence below the amended guideline range."). 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