

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7011

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SAMUEL BENJAMIN KELLY, a/k/a Tiz,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Rebecca Beach Smith, District Judge. (2:94-cr-00163-RBS-4)

Submitted: October 21, 2008

Decided: October 28, 2008

Before MICHAEL, TRAXLER, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Samuel Benjamin Kelly, Appellant Pro Se. Laura Pellatiro Tayman, Assistant United States Attorney, Newport News, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Samuel Benjamin Kelly appeals the district court's orders denying his motion under 18 U.S.C. § 3582(c)(2) (2000) for a reduction of sentence and his Fed. R. Civ. P. 59(e) motion to alter or amend judgment. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Kelly, No. 2:94-cr-00163-RBS-4 (E.D. Va. Filed Apr. 9, entered Apr. 10, 2008; filed May 8, entered May 14, 2008). 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