

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7037

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KAREEM R. THOMPSON,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Greenville. G. Ross Anderson, Jr., Senior District Judge. (6:98-cr-00207-GRA-1)

Submitted: April 23, 2009

Decided: April 29, 2009

Before MICHAEL, GREGORY, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Kareem R. Thompson, Appellant Pro Se. Harold Watson Gowdy, III, OFFICE OF THE UNITED STATES ATTORNEY, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kareem R. Thompson appeals the district court's order denying his motion for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (2006). Thompson argues that the district court erred by failing to reduce his sentence based upon Amendment 706 of the Guidelines. See U.S. Sentencing Guidelines Manual § 2D1.1(c) (2007 & Supp. 2008); USSG App. C Amend. 706. As we recently observed, "Amendment 706 . . . amended § 2D1.1 of the Sentencing Guidelines by reducing the offense levels associated with crack cocaine quantities by two levels." United States v. Hood, 556 F.3d 226, 232 (4th Cir. 2009). Thompson's sentence was determined by the career offender guideline, USSG § 4B1.1, and was not based on a sentencing range lowered by the amendment. The fact that the district court reduced Thompson's sentence under Fed. R. Crim. P. 35 is irrelevant to the applicability of Amendment 706. Id. at 234. Accordingly, we affirm the decision of the district court. 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