

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7239

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RYAN NEWSOME,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Huntington. Robert C. Chambers, District Judge. (3:94-cr-00083-1)

Submitted: February 26, 2009

Decided: March 5, 2009

Before NIEMEYER, MICHAEL, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Ryan Newsome, Appellant Pro Se. John J. Frail, Assistant United States Attorney, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ryan Newsome appeals the district court's orders granting his motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c) (2006) and denying his motion for reconsideration in which Newsome sought a further reduction. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Newsome, No. 3:94-cr-00083-1 (S.D.W. Va., Mar. 31 & July 9, 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