

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7273

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WARREN KUZON, a/k/a James Brown, a/k/a Shortman,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Patrick Michael Duffy, District Judge. (2:00-cr-00765-PMD-1)

Submitted: February 26, 2009

Decided: March 5, 2009

Before NIEMEYER, MICHAEL, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Warren Kuzon, Appellant Pro Se. Peter Thomas Phillips, Assistant United States Attorney, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Warren Kuzon appeals the district court's orders granting his motion for reduction of sentence under 18 U.S.C. § 3582(c)(2) (2006), and summarily denying his motion for reconsideration. Kuzon asserts on appeal that the district court erred in declining to sentence him below the amended Guidelines range for crack cocaine sentences, contending that a lower sentence would be permitted by Gall v. United States, 128 S. Ct. 586 (2007), Kimbrough v. United States, 128 S. Ct. 558 (2007), and United States v. Booker, 543 U.S. 220 (2005). However, this argument is foreclosed by this court's decision in United States v. Dunphy, 551 F.3d 247, 257 (4th Cir. 2009). Moreover, the district court did not abuse its discretion in imposing a sentence at the high end of the amended Guidelines range. See United States v. Goines, 357 F.3d 469, 478 (4th Cir. 2004). Accordingly, we affirm the orders 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