

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7556

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DARRYL L. MOFFETT,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Richard L. Voorhees, District Judge. (3:96-cr-00170-RLV-1)

Submitted: May 6, 2009

Decided: May 26, 2009

Before SHEDD and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Darryl L. Moffett, Appellant Pro Se. Amy Elizabeth Ray, Assistant United States Attorney, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Darryl L. Moffett appeals the district court's order denying his motion for reduction of sentence under 18 U.S.C. § 3582(c)(2) (2006). Moffett argues that the district court erred by failing to reduce his sentence under Amendment 706 of the Guidelines, see U.S. Sentencing Guidelines Manual ("USSG") § 2D1.1(c) (2008); USSG App. C, Amend. 706. We have reviewed the record and find the district court properly exercised its discretion after considering the applicable 18 U.S.C. § 3553(a) (2006) factors. Accordingly, we affirm. 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