

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7601

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHARON WHITE,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Charlottesville. James P. Jones, Chief District Judge. (3:99-cr-00007-jpj-3)

Submitted: April 16, 2009

Decided: April 22, 2009

Before WILKINSON, NIEMEYER, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Sharon White, Appellant Pro Se. Jeb Thomas Terrien, Assistant United States Attorney, Harrisonburg, Virginia, Donald Ray Wolthuis, Assistant United States Attorney, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sharon White appeals a district court order granting her motion for a sentence reduction under 18 U.S.C. § 3582(c) (2006). The district court applied Amendment 706 of the Sentencing Guidelines to White's total offense level and reduced her sentence to the low end of the amended Guidelines range of imprisonment. We affirm.

We find the district court did not abuse its discretion re-sentencing White to the low end of the amended Guidelines range of imprisonment. United States v. Goines, 357 F.3d 469, 478 (4th Cir. 2004) (stating standard of review). Insofar as White argues the court could have considered an even lower sentence, this claim is foreclosed by United States v. Dunphy, 551 F.3d 247, 257 (4th Cir. 2009) ("[A] district judge is not authorized to reduce a defendant's sentence below the amended guideline range.").

Accordingly, we affirm the order granting White a sentence reduction. We deny her motion for appointment of counsel. 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