

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-8261

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

REGINALD LAVERNE ROBERTS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Greenville. Malcolm J. Howard, Senior District Judge. (4:05-cr-00102-H-1)

Submitted: March 17, 2009

Decided: March 23, 2009

Before TRAXLER, KING, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Reginald Laverne Roberts, Appellant Pro Se. John Howarth Bennett, OFFICE OF THE UNITED STATES ATTORNEY, Greenville, North Carolina, Rudolf A. Renfer, Jr., Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Reginald Laverne Roberts appeals the district court's order granting his motion filed pursuant to 18 U.S.C. § 3582(c)(2) (2006), for a reduction in the term of imprisonment based on a guideline range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 944(u) (2006). Roberts claims on appeal that the district court's order erroneously states that the amended guideline range applicable to Roberts is sixty to seventy-one months' imprisonment, rather than fifty-seven to seventy-one months. Roberts fails to recognize that the district court's order reflects the statutory mandatory minimum term attributable to Roberts' crime. See 21 U.S.C. § 841(b)(1)(B)(iii) (2006).

Accordingly, we affirm the district court's order granting Roberts' motion for reduction of sentence. 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