

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-6240

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KEVIN RODELL JOHNSON, a/k/a Chucky,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Albert V. Bryan, Jr., Senior District Judge. (1:95-cr-00319-1)

Submitted: May 21, 2009

Decided: June 10, 2009

Before WILKINSON and NIEMEYER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Kevin Rodell Johnson, Appellant Pro Se. Dana James Boente, Acting United States Attorney, Tracy Doherty-McCormick, Assistant United States Attorney, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kevin Rodell Johnson appeals a district court order denying his motion for a sentence reduction filed under 18 U.S.C. § 3582(c) (2006). We affirm.

The legal interpretations of the Sentencing Guidelines and the amendments are reviewed de novo. Factual findings are reviewed for clear error. See United States v. Turner, 59 F.3d 481, 483-84 (4th Cir. 1995). This court reviews the denial of a motion for a reduction in the sentence under § 3582(c)(2) for abuse of discretion. United States v. Goines, 357 F.3d 469, 478 (4th Cir. 2004).

We find the district court did not err in concluding that at sentencing Johnson was held responsible for more than 4.5 kilograms of crack cocaine. Thus, he was not eligible for a sentence reduction under Amendment 706. Accordingly, we affirm the district court's order. We deny Johnson's 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