

**UNPUBLISHED**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-6625**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RICKY BERNARD ECKLES,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Statesville. Richard L. Voorhees, District Judge. (5:05-cr-00009-RLV-DCK-1)

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Submitted: October 27, 2009

Decided: November 12, 2009

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Before NIEMEYER, GREGORY, and DUNCAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Ricky Bernard Eckles, Appellant Pro Se. Amy Elizabeth Ray, Assistant United States Attorney, Asheville, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ricky Bernard Eckles appeals the district court's order denying his 18 U.S.C. § 3582(c) (2006) motion for reduction of sentence.\* We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Eckles, No. 5:05-cr-00009-RLV-DCK-1 (W.D.N.C. Feb. 27, 2009); United States v. Lindsey, 556 F.3d 238, 244 (4th Cir. 2009). 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

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\* Eckles filed a notice of appeal outside of the appeal period, and we remanded to the district court to determine whether Eckles had demonstrated excusable neglect or good cause warranting an extension of the appeal period. See United States v. Eckles, 328 F. App'x 255 (4th Cir. June 25, 2009) (No. 09-6625). The district court found Eckles demonstrated good cause and therefore deemed the notice of appeal timely filed. Accordingly, we review the appeal on the merits.