

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-6754

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

EON DAVID,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. James A. Beaty, Jr., Chief District Judge. (2:95-cr-00206-JAB-3)

Submitted: June 25, 2009

Decided: July 9, 2009

Before TRAXLER, Chief Judge, and MICHAEL and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Eon David, Appellant Pro Se. Lisa Blue Boggs, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Eon David appeals the district court's order denying his 18 U.S.C. § 3582(c) (2006) motion for a sentence reduction. David contends the district court erred by considering his post-sentencing actions, rather than considering the facts as they existed at the time of his original sentencing. In determining whether to reduce a defendant's sentence, the district court must consider the factors set forth in 18 U.S.C. § 3553(a) (2006) and the impact on public safety if the sentence is reduced. U.S. Sentencing Guidelines Manual (USSG) § 1B1.10 cmt. n.1(B)(i), (ii) (2008). The court also may consider the defendant's post-sentencing conduct. USSG § 1B1.10 cmt. n.1(B)(iii). Accordingly, the district court's consideration of David's post-sentencing conduct and the impact on public safety of reducing David's sentence was entirely proper.

Accordingly, we affirm the district court's order denying relief. United States v. David, No. 2:95-cr-00206-JAB-3 (M.D.N.C. Apr. 6, 2009). In light of this disposition, we deny as moot David's motion to expedite the disposition of his appeal. 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