

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-6866

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBERT MADISON BROOKS, a/k/a Pooh,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Rock Hill. Joseph F. Anderson, Jr., District Judge. (0:02-cr-01173-JFA-2)

Submitted: September 10, 2009

Decided: September 15, 2009

Before KING, DUNCAN, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Robert Madison Brooks, Appellant Pro Se. Marshall Prince, II, Assistant United States Attorney, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Madison Brooks appeals the district court's order denying his 18 U.S.C. § 3582(c)(2) (2006) motion. We have reviewed the record and find no reversible error and affirm for the reasons stated by the district court. United States v. Brooks, No. 0:02-cr-01173-JFA-2 (D.S.C. Apr. 28, 2009). Brooks' claim that the court could have resentenced him below the Sentencing Guidelines is foreclosed by this court's opinion in United States v. Dunphy, 551 F.3d 247 (4th Cir.), cert denied, 129 S. Ct. 2401 (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