

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7105

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CARL LAMONT DEAN, a/k/a Jermaine Dean,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Frank D. Whitney, District Judge. (3:96-cr-00046-FDW-3)

Submitted: October 15, 2009

Decided: October 21, 2009

Before SHEDD, DUNCAN, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Carl Lamont Dean, Appellant Pro Se. Amy Elizabeth Ray, Assistant United States Attorney, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Carl Lamont Dean appeals the district court's order denying his motion for reduction of sentence under 18 U.S.C. § 3582(c)(2) (2006). Dean asserts that the district court erred by failing to reduce his sentence based on Amendment 706 to the Sentencing Guidelines. See U.S. Sentencing Guidelines Manual ("USSG") § 2D1.1(c) (2007 & Supp. 2008), USSG App C, Amend. 706. "Amendment 706 . . . amended § 2D1.1 of the Sentencing Guidelines by reducing the offense levels associated with [cocaine base] quantities by two levels." United States v. Hood, 556 F.3d 226, 232 (4th Cir. 2009), petition for cert. filed, ____ U.S.L.W. ____ (U.S. Aug. 7, 2009) (No. 09-5868). Because of the statutorily-mandated minimum sentence to which Dean was subject, his Guidelines' imprisonment range was 240 to 293 months. He was sentenced to 240 months' imprisonment. On account of the statutory minimum, Amendment 706 did not have the effect of lowering Dean's Guidelines range. See USSG § 1B1.10, p.s., cmt. n.1(A). Accordingly, a reduction in Dean's sentence is not authorized under § 3582(c)(2). We therefore affirm the district court's order. 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