

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-7364**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTONIO DEMOND BYERS,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Frank D. Whitney, District Judge. (3:01-cr-00002-FDW-3)

Submitted: January 19, 2010

Decided: January 27, 2010

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Before NIEMEYER, KING, and DAVIS, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Antonio Demond Byers, 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Unpublished opinions are not binding precedent in this circuit.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:

Antonio Demond Byers appeals the district court's order denying his motion for a reduction of sentence filed pursuant to 18 U.S.C. § 3582(c)(2) (2006). We have reviewed the record and find the district court did not abuse its discretion in denying the motion. See United States v. Goines, 357 F.3d 469, 478 (4th Cir. 2004) (motion under § 3582(c) "is subject to the discretion of the district court"); United States v. Legree, 205 F.3d 724, 727 (4th Cir. 2000). Thus, we affirm the district court's order for the reasons stated there. See United States v. Byers, No. 3:01-cr-00002-FDW-3 (W.D.N.C. July 21, 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