

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7515

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KEITH HARRIS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at New Bern. Louise W. Flanagan, Chief District Judge. (5:06-cr-00100-FL-2)

Submitted: January 14, 2010

Decided: January 21, 2010

Before MOTZ, GREGORY, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Keith Harris, Appellant Pro Se. Anne Margaret Hayes, Rudolf A. Renfer, Jr., Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Keith Harris appeals a district court order denying his motion for reduction of sentence under 18 U.S.C. § 3582(c)(2) (2006). The district court concluded Harris was not entitled to a reduction because after considering Amendment 706 to the Sentencing Guidelines, Harris' range of imprisonment remained the same, the mandatory minimum sentence. We have reviewed the record and find no error. Accordingly, we affirm. We deny Harris' motion for appointment of counsel. 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