

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7955

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JACKIE MCKUBBIN, a/k/a Jack,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Frank D. Whitney, District Judge. (3:95-cr-00005-FDW-3)

Submitted: June 10, 2010

Decided: June 15, 2010

Before MOTZ and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Jackie McKubbin, 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Unpublished opinions are not binding precedent in this circuit.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:

Jackie McKubbin appeals from the district court's orders granting his 18 U.S.C. § 3582 (2006) motion, reducing his offense level by two levels, reducing his sentence from life imprisonment to 360 months, but denying his motion for reconsideration. McKubbin argues that he should receive a full resentencing in light of United States v. Booker, 543 U.S. 220 (2005), applying the Sentencing Guidelines as advisory. This claim is without merit. See United States v. Dunphy, 551 F.3d 247, 251-53 (4th Cir. 2009) (holding that "proceedings under § 3582(c)(2) do not constitute a full resentencing of the defendant"), cert. denied, 129 S. Ct. 2401 (2009). We have reviewed the record in this case and find no abuse of discretion and no reversible error. Accordingly, we affirm the district court's orders. 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