

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-8153**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SYLVESTER KELLY,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Claude M. Hilton, Senior District Judge. (1:06-cr-00297-CMH-3)

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Submitted: March 30, 2010

Decided: April 5, 2010

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Before WILKINSON, GREGORY, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Sylvester Kelly, Appellant Pro Se. Lawrence Joseph Leiser, Karen Ledbetter Taylor, Assistant United States Attorneys, Dennis Michael Fitzpatrick, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sylvester Kelly appeals the district court's order denying his motion to reconsider the court's earlier order ruling on his 18 U.S.C. § 3582(c)(2) (2006) motion for a reduction in sentence. We have reviewed the record and find no reversible error. Accordingly, we affirm. See United States v. Goodwyn, 596 F.3d 233, 234-46 (4th Cir. 2010) (holding that district court lacked authority to grant defendant's motion to reconsider, filed eight months after the district court's order ruling on original § 3582(c)(2) motion). 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