

Filed: February 7, 2011

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-8215
(8:96-cr-00238-AW-1; 8:09-cv-01440-AW)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JASON CONRAD POOLE,

Defendant - Appellant.

O R D E R

The Court amends its opinion filed February 4, 2011,
as follows:

On page 2, line 5 of the footnote -- the word "abused"
is corrected to read "absurd."

For the Court - By Direction

/s/ Patricia S. Connor
Clerk

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-8215

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JASON CONRAD POOLE,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Alexander Williams, Jr., District Judge. (8:96-cr-00238-AW-1; 8:09-cv-01440-AW)

Submitted: October 20, 2010

Decided: February 4, 2011

Before MOTZ, KING, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Robert W. Biddle, Booth M. Ripke, NATHANS & BIDDLE LLP, Baltimore, Maryland, for Appellant. Rod J. Rosenstein, United States Attorney, Barbara S. Skalla, Assistant United States Attorney, Greenbelt, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jason Conrad Poole appeals the district court's order denying relief on his motions under 28 U.S.C.A. § 2255 (West Supp. 2010) and Fed. R. Crim. P. 36 and granting his motion to reduce sentence under 18 U.S.C. § 3582(c)(2) (2006). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court in its written order. United States v. Poole, Nos. 8:96-cr-00238-AW-1; 8:09-cv-01440-AW (D. Md. Dec. 4, 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

^{*} We note the discrepancy between the oral sentence of 210 months and the revised order granting Poole's § 3582(c)(2) motion which imposes the mandatory minimum sentence of 240 months. We find the oral sentence ambiguous because its plain meaning would lead to "an irrational or absurd result." United States v. Villano, 816 F.2d 1448, 1453 n.6 (10th Cir. 1987) (en banc). Therefore, we affirm the written sentencing order.