

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-6203**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SEAN DARRELL JOHNSON,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. James A. Beaty, Jr., Chief District Judge. (1:98-cr-00138-WLO-2)

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Submitted: May 7, 2010

Decided: May 26, 2010

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Before MOTZ, KING, and GREGORY, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Sean Darrell Johnson, Appellant Pro Se. L. Patrick Auld, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sean Darrell Johnson appeals a district court order denying his motion for a sentence reduction filed under 18 U.S.C. § 3582(c) (2006). We affirm.

The legal interpretations of the Sentencing Guidelines and the amendments are reviewed de novo. Factual findings are reviewed for clear error. See United States v. Turner, 59 F.3d 481, 483-84 (4th Cir. 1995). This court reviews the denial of a motion for a reduction in the sentence under § 3582(c)(2) for abuse of discretion. United States v. Goines, 357 F.3d 469, 478 (4th Cir. 2004).

Our review of the transcripts shows the district court did not err in concluding Johnson was accountable for at least five kilograms of crack cocaine. Thus, he was not eligible for a sentence reduction under Amendment 706. Accordingly, we affirm the district court's order. 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