

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7393

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WINZEL DALLAS JACOBS,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, Jr., Chief District Judge. (1:08-cr-00319-WO-1; 1:09-cr-00114-WO-2)

Submitted: December 28, 2012

Decided: January 7, 2013

Before MOTZ, GREGORY, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Winzel Dallas Jacobs, Appellant Pro Se. Robert Michael Hamilton, Robert Albert Jamison Lang, Assistant United States Attorneys, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Winzel Dallas Jacobs appeals the district court's order granting his motion for reduction of sentence under 18 U.S.C. § 3582(c)(2) (2006) and reducing his sentence to seventy-two months' imprisonment. Although the court imposed a sentence below the original ninety-six month term, it did not reduce Jacobs' sentence to the full extent he requested and instead imposed a sentence above the amended Guidelines range of sixty-months' imprisonment. We have reviewed the record and find no reversible error.* Accordingly, we affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

* Although the district court misstated Jacobs' amended offense level, the court correctly determined that Jacobs' amended Guidelines range was sixty months' imprisonment. We find no abuse in the district court's exercise of its discretion to sentence Jacobs to a sentence above the amended Guidelines range. Cf. United States v. Munn, 595 F.3d 183, 186 (4th Cir. 2010) (applying abuse of discretion standard to review of order granting or denying a § 3582(c)(2) order).