

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-7002

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

EDWARD DICKEY,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Liam O'Grady, District Judge. (1:10-cr-00305-LO-1)

Submitted: October 17, 2013

Decided: October 21, 2013

Before AGEE, DAVIS, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Edward Dickey, Appellant Pro Se. Timothy D. Belevetz, Assistant United States Attorney, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Edward Dickey appeals the district court's order denying for lack of jurisdiction his 18 U.S.C. § 3664(k) (2006) motion to modify his schedule of restitution payments. Although the district court incorrectly stated that it lacked jurisdiction, we affirm. Republican Party of N.C. v. Martin, 980 F.2d 943, 952 (4th Cir. 1992) ("[This court] may affirm a judgment for any reason appearing on the record[.]").

Dickey argues that his restitution payments should be reduced because he is not presently employed while imprisoned. However, the district court's judgment of restitution contemplates such an eventuality and reduces Dickey's required restitution payments accordingly. Therefore, Dickey has not shown a material change in his circumstances sufficient to warrant modification of restitution.

Accordingly, we affirm the denial of Dickey's 18 U.S.C. § 3664(k) motion. 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