

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-7112**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HERMAN C. NEWMAN,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of Virginia, at Charlottesville. James P. Jones, Chief District Judge. (3:95-cr-00066-JPJ-14)

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Submitted: February 20, 2009

Decided: March 12, 2009

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Before MICHAEL, SHEDD, and DUNCAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Herman C. Newman, Appellant Pro Se. Jean Barrett Hudson, Assistant United States Attorney, Charlottesville, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Herman C. Newman appeals the district court's order granting his motion for reduction of sentence, 18 U.S.C. § 3582(c)(2) (2006), and reducing his sentence to 150 months in prison. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Newman, No. 3:95-cr-00066-JPJ-14 (W.D. Va. June 23, 2008); see United States v. Dunphy, 551 F.3d 247, 257 (4th Cir. 2009) ("When a sentence is within the guidelines applicable at the time of the original sentencing, in an 18 U.S.C. § 3582(c)(3) resentencing hearing, a district judge is not authorized to reduce a defendant's sentence below the amended guideline range."). 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