

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7352

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RONALD SHERIDAN KELLEY, a/k/a Boobie,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Huntington. Robert C. Chambers, District Judge. (3:91-cr-00189-1)

Submitted: February 26, 2009

Decided: March 5, 2009

Before NIEMEYER, MICHAEL, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Ronald Sheridan Kelley, Appellant Pro Se. John J. Frail, Assistant United States Attorney, Charleston, West Virginia; Lisa Grimes Johnston, Assistant United States Attorney, Huntington, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ronald Sheridan Kelley appeals the district court's order granting his motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c) (2006). Kelley argues that the district court erred by not also decreasing his criminal history category from II to I. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Kelley, No. 3:91-cr-00189-1 (S.D.W. Va. July 17, 1008); 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) 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