

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-7692

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LARRY DEAN DUTTON,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Graham C. Mullen, Senior District Judge. (3:94-cr-00103-GCM)

Submitted: March 27, 2008

Decided: April 3, 2008

Before TRAXLER and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Larry Dean Dutton, Appellant Pro Se. Gretchen C. F. Shappert, United States Attorney, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Larry Dean Dutton appeals the district court's order denying his "Nunc Pro Tunc Motion for Modification or Reduction of 235 Month Term of Imprisonment." Dutton, citing 18 U.S.C. § 3582(c) (2000), alleged that the guideline range for his 1995 sentence was calculated incorrectly. He asked the district court to resentence him based on a correctly calculated guideline range. The district court denied the motion. We have reviewed the record and find no reversible error. Accordingly, we affirm on the reasoning of the district court. United States v. Dutton, No. 3:94-cr-00103-GCM (W.D.N.C. Oct. 29, 2007). 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