

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7353

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LONNIE RICHARD DANIEL,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Huntington. Robert C. Chambers, District Judge. (3:97-cr-00073-2)

Submitted: February 19, 2009

Decided: February 24, 2009

Before WILKINSON, DUNCAN, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Lonnie Richard Daniel, Appellant Pro Se. Richard Gregory McVey, Assistant United States Attorney, Huntington, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lonnie Richard Daniel appeals the district court's order granting his 18 U.S.C. § 3582(c) (2006) motion. We find the district court did not abuse its discretion granting Daniel's motion for a sentence reduction. United States v. Goines, 357 F.3d 469, 478 (4th Cir. 2004) (stating standard of review). Insofar as Daniel suggests the court could have considered an even lower sentence below the Guidelines sentencing range, this claim is foreclosed by United States v. Dunphy, 551 F.3d 247, 2009 WL 19139, *8 (4th Cir. 2009) ("[A] district judge is not authorized to reduce a defendant's sentence below the amended guideline range."). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Daniel, No. 3:97-cr-00073-2 (S.D.W. Va. July 9, 2008). We deny Daniel's motion for appointment of counsel. 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