UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7863

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FRANKLIN LAJOY FELTON,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. C. Weston Houck, Senior District Judge. (4:03-cr-00474-CWH-14)

Submitted: March 30, 2009 Decided: April 10, 2009

Before NIEMEYER, DUNCAN, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Franklin Lajoy Felton, Appellant Pro Se. Alfred William Walker Bethea, Jr., Assistant United States Attorney, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

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PER CURIAM:

Franklin Lajoy Felton appeals the district court's minute entry denying his motion for a sentence reduction under 18 U.S.C. § 3582(c) (2006). We affirm.

We review an order granting or denying a § 3582(c)(2) motion for abuse of discretion. See United States v. Goines, 357 F.3d 469, 478 (4th Cir. 2004) (stating that § 3582(c)(2) is "subject to the discretion of the district court"). Based on relevant conduct and his criminal history category, Felton's initial Sentencing Guidelines range of imprisonment was 324 to 405 months. However, Felton's Guidelines sentence was adjusted to reflect the statutory minimum sentence of life imprisonment. Because his sentence was not based on a sentencing range lowered by Amendment 706, he was not eligible for a sentence reduction. United States v. Hood, 556 F.3d 226, 233-36 (4th Cir. 2009).

Accordingly, we affirm the district court's minute entry. We deny as moot Felton's motion for an extension of time in which to note an appeal. 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