

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-8031**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALVIERO MESA-LOPEZ,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry F. Floyd, District Judge. (6:06-cr-00998-HFF-5)

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Submitted: April 29, 2009

Decided: May 14, 2009

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Before NIEMEYER, MICHAEL, and TRAXLER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Alviero Mesa-Lopez, Appellant Pro Se. Leesa Washington, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Alviero Mesa-Lopez appeals the district court's order denying his motion for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (2006). We have reviewed the record and find no reversible error. Because Mesa-Lopez was not sentenced for a crack cocaine offense, Amendment 706 of the sentencing guidelines has no effect on his sentence. See United States v. Hood, 556 F.3d 226, 228 (4th Cir. 2009) ("Amendment 706 lowered only the crack cocaine offense levels in [U.S. Sentencing Guidelines Manual] § 2D1.1."). Therefore, the district court did not abuse its discretion in denying the motion for reduction of sentence, and we affirm the district court's order. 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