

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-8264

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

NATHANIEL JEROME OSBORNE, a/k/a Rome,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Henry Coke Morgan, Jr., Senior District Judge. (2:95-cr-00139-HCM-1)

Submitted: April 16, 2009

Decided: April 23, 2009

Before WILKINSON, NIEMEYER, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Nathaniel Jerome Osborne, Appellant Pro Se. Laura Pellatiro Tayman, Assistant United States Attorney, Newport News, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Nathaniel Jerome Osborne appeals the district court's order granting his motion for reduction of sentence under 18 U.S.C. § 3582(c) (2006). We have reviewed the record and find no reversible error. Accordingly, we affirm. United States v. Osborne, No. 2:95-cr-00139-HCM-1 (E.D. Va. filed Sept. 22, 2008 & entered Sept. 23, 2008); see United States v. Dunphy, 551 F.3d 247, 257 (4th Cir. 2009) ("[A] district judge is not authorized to reduce a defendant's sentence below the amended guideline range."). We deny Osborne's motion to place the case in abeyance for Dunphy as moot. 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