

CORRECTED OPINION

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-8368

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID ZEBROWSKI, a/k/a Dog, a/k/a David Stewart, a/k/a Lewis
Brady, a/k/a Mad Dog, a/k/a Eric Conrad Smith,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern
District of Virginia, at Richmond. James R. Spencer, Chief
District Judge. (3:96-cr-00041-JRS-3)

Submitted: February 26, 2009

Decided: March 30, 2009

Corrected Opinion Filed: August 28, 2009

Before MICHAEL, KING, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

David Zebrowski, Appellant Pro Se. Richard Daniel Cooke,
Assistant United States Attorney, Richmond, Virginia, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Zebrowski appeals a district court order granting his motion for a sentence reduction under 18 U.S.C. § 3582(c) (2006). Under the amendments to the Guidelines, Zebrowski's total offense level was 39. His amended range of imprisonment was 292 to 365 months' imprisonment. On October 15, 2008, the court granted Zebrowski's motion and lowered his original 360-month sentence to 336 months' imprisonment. In response, Zebrowski filed a timely notice of appeal and a motion for reconsideration. While the appeal was pending, the district court granted the motion for reconsideration and lowered Zebrowski's sentence to 294 months' imprisonment. Because the court granted the motion for reconsideration and ordered a new sentence, the appeal from the October 15, 2008 order is moot.

Accordingly, we dismiss the appeal 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.

DISMISSED