UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-7522

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID ANTHONY STEWART,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Martinsburg. John Preston Bailey, Chief District Judge. (3:07-cr-00016-JPB-DJJ-1)

Submitted: April 26, 2012 Decided: April 30, 2012

Before GREGORY, AGEE, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

David Anthony Stewart, Appellant Pro Se. Thomas Oliver Mucklow, Assistant United States Attorney, Martinsburg, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

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PER CURIAM:

David Anthony Stewart appeals the district court's order sua sponte reducing his 121-month sentence to 120 months, pursuant to 18 U.S.C. § 3582(c)(2) (2006) and Amendment 750 to the U.S. Sentencing Guidelines Manual. We have reviewed the record and conclude the district court properly found that it was limited to reducing Stewart's sentence by only one month. See United States v. Munn, 595 F.3d 183, 186 (4th Cir. 2010) (explaining that this court reviews de novo the district court's "conclusion on the scope of its legal authority under § 3582(c)(2)"); see also Dillon v. United States, 130 S. Ct. 2683, 2690–92 (2010) (clarifying that § 3582(c)(2) does not authorize a resentencing, but rather permits a sentence reduction within the narrow bounds established by the Sentencing Commission). Accordingly, we affirm for the reasons stated by the district court. See United States v. Stewart, No. 3:07–cr–00016–JPB–DJJ–1 (N.D.W. Va. Nov. 1, 2011). We deny Stewart's motion for the 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