

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-6836

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JAMES OLIVE ROWLAND, a/k/a James Roland
Lillie, a/k/a James Rowland Lilly,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. Frank W. Bullock, Jr., District Judge. (CR-90-284-1-D)

Submitted: January 19, 2001

Decided: February 7, 2001

Before NIEMEYER and MOTZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

James Olive Rowland, Appellant Pro Se. Sandra Jane Hairston, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

James Olive Rowland appeals the district court's order denying his motion for reduction of sentence pursuant to 18 U.S.C.A. § 3582(c)(2) (West 2000). Amendment 506 of the United States Sentencing Guidelines, upon which Rowland's motion relies, has been superseded by Amendment 567 in response to the Supreme Court's decision in United States v. LaBonte, 520 U.S. 751 (1997). USSG App. C Am. 506 & 567. Rowland's remaining claims fall outside the scope of a motion brought under 18 U.S.C.A. § 3582(c). Rowland also improperly raises issues for the first time on appeal. See Grossman v. Comm'r, 182 F.3d 275, 280-81 (4th Cir. 1999); Skipper v. French, 130 f.3d 603, 610 (4th Cir. 1997) (applying rule to a criminal case)(citing Hormel v. Helvering, 312 U.S. 552, 556 (1941) for explanation of rule's basis).

We deny Rowland's request for appointment of counsel and leave to proceed in forma pauperis. We deny the request for preparation of transcripts at government expense 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