

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6018

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SEAN ANDRE WILSON,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. J. Frederick Motz, Chief District Judge. (CR-90-135-JFM)

Submitted: June 12, 2001

Decided: June 25, 2001

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

Affirmed by unpublished per curiam opinion.

Sean Andre Wilson, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Sean Andre Wilson appeals the district court's order denying his motion for reduction of sentence under 18 U.S.C.A. § 3582(c)(2) (West 2000). We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. United States v. Wilson, No. CR-90-135-JFM (D. Md. Dec. 8, 2000).

Wilson also asserted in the district court that he should be resentenced in light of the Supreme Court's decision in Apprendi v. New Jersey, 530 U.S. 466 (2000). Although the district court did not specifically address this claim, we find that Wilson is not entitled to relief because the claim is "not authorized by § 3582(c), for it is unrelated to any change in the Sentencing Guidelines." United States v. Smith, 241 F.3d 546, 548 (7th Cir. 2001). As a result, Wilson's Apprendi argument "is instead the sort of contention usually raised by motion under 28 U.S.C. § 2255." Id. We recently held, however, that Apprendi is not retroactively applicable to cases on collateral review. United States v. Sanders, 247 F.3d 139, 146 (4th Cir. 2001). Thus, we reject Wilson's Apprendi claim.

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