

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6671

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOHN BRANNON,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Spartanburg. Henry M. Herlong, Jr., District Judge. (CR-95-370, CA-02-1183-7-20)

Submitted: July 22, 2002

Decided: August 5, 2002

Before WIDENER, WILKINS, and TRAXLER, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

John Brannon, Appellant Pro Se. Elizabeth Jean Howard, OFFICE OF THE UNITED STATES ATTORNEY, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

John E. Brannon appeals the district court's order dismissing his motion to reduce his sentence. We have reviewed the record and the district court's opinion and find no reversible error. We agree with the district court's holding that the statutes on which Brannon relied provide no basis for relief. Accordingly, we affirm substantially on the reasoning of the district court. United States v. Brannon, Nos. CR-95-370; CA-02-1183-7-20 (D.S.C. Apr. 12, 2002).^{*} 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

* The district court, after holding the statutes on which Brannon relied provide no basis for relief, alternatively construed Brannon's motion as arising under 28 U.S.C. § 2255 (2000). Brannon previously filed a § 2255 motion, and has not received this Court's authorization to file a subsequent § 2255 motion. Accordingly, the district court lacked jurisdiction to entertain Brannon's motion for modification of his sentence as arising under § 2255. 28 U.S.C. §§ 2244(3)(A)-(C), 2255 ¶ 8 (2000).