

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7063

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MARCUS DEVARD MASSEY,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Richard L. Voorhees, District Judge. (CR-95-31-V)

Submitted: October 10, 2002

Decided: October 17, 2002

Before WILLIAMS, KING, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Marcus Devard Massey, Appellant Pro Se. Gretchen C.F. Shappert, Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Marcus Devard Massey appeals the district court's order and order on reconsideration denying his 18 U.S.C. § 3582(c)(2) (2000) motion to modify his term of incarceration. We have reviewed the record and the district court's opinion and find that the district court did not abuse its discretion by denying the motion. See United States v. Turner, 59 F.3d 481, 483 (4th Cir. 1995). Accordingly, we deny leave to proceed in forma pauperis, deny a certificate of appealability, and dismiss the appeal. 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