

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-4478

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MELISSA PRINE,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. Robert C. Chambers, District Judge. (CR-04-229)

Submitted: February 16, 2006

Decided: February 21, 2006

Before MICHAEL and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Todd A. Twyman, TWYMAN LAW OFFICES, Charleston, West Virginia, for Appellant. Charles T. Miller, Acting United States Attorney, W. Chad Noel, Assistant United States Attorney, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Melissa Prine appeals her thirty-seven month prison sentence resulting from her conviction for delivery of cocaine base in violation of 21 U.S.C. § 841(a)(1) (2000).^{*} Finding no error, we affirm.

Prine claims that the district court erred by not crediting her sentence for seven months of home confinement prior to her sentence. Contrary to Prine's claim, time spent on home confinement with electronic monitoring does not constitute time served in "official detention" under 18 U.S.C. § 3585(b) (2000). Randall v. Whelan, 938 F.2d 522, 524 (4th Cir. 1991); United States v. Insley, 927 F.2d 185, 186 (4th Cir. 1991). Therefore, the district court properly declined to credit Prine's sentence.

Accordingly, we affirm Prine's sentence. 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

^{*}Prine does not appeal her conviction.