

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7580

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WAYNE JOHNSON,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Richard L. Williams, Senior District Judge. (CR-99-119)

Submitted: November 17, 2005

Decided: November 30, 2005

Before WILKINSON, LUTTIG, and WILLIAMS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Wayne Johnson, Appellant Pro Se. Sara Elizabeth Flannery, Stephen David Schiller, OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Wayne Johnson appeals the district court's order denying his motion to compel the district court to rule on his motion filed pursuant to 18 U.S.C.A. § 3582(c) (West 2000 & Supp. 2005).^{*} We have reviewed the record and the district court's order and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See United States v. Johnson, No. CR-99-119 (E.D. Va. Sept. 19, 2005). We deny Johnson's motion to compel discovery from the district court. 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

^{*}To the extent that Johnson seeks to appeal the district court's order of July 28, 2005, denying his § 3582(c) motion, we note that his notice of appeal was untimely as to this order.