

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-7223

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BROOKS JAMES TERRELL,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Spartanburg. Henry M. Herlong, Jr., District Judge. (7:99-cr-00610-HMH)

Submitted: October 23, 2008

Decided: November 17, 2008

Before NIEMEYER, TRAXLER, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Brooks James Terrell, Appellant Pro Se. David Calhoun Stephens, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Brooks James Terrell appeals the district court's order denying his 18 U.S.C. § 3582(c) (2006) motion for reduction of sentence.* We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Terrell, No. 7:99-cr-00610-HMH (D.S.C. June 19, 2007). We further deny Terrell's motion for appointment of counsel. 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

*Terrell filed a notice of appeal outside of the appeal period, and we remanded to the district court to determine whether Terrell demonstrated excusable neglect or good cause warranting an extension of the appeal period. See United States v. Terrell, 266 F. App'x 225 (4th Cir. Jan. 4, 2008) (No. 07-7223). The district court found Terrell demonstrated excusable neglect or good cause; accordingly, we review the appeal on the merits.