

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-7521

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JESSE LEON SPEARMAN,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Henry E. Hudson, District Judge. (3:05-cr-00057)

Submitted: March 17, 2008

Decided: July 9, 2008

Before MICHAEL, GREGORY, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Jesse Leon Spearman, Appellant Pro Se. Charles Everett James, Jr., OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jesse Leon Spearman appeals the district court's order denying Spearman's untitled motion seeking relief from his sentence. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court, without prejudice to Spearman's ability to file a motion in the district court to modify his sentence pursuant to 18 U.S.C. § 3582(c)(2) (2000). United States v. Spearman, No. 3:05-cr-00057 (E.D. Va. Sept. 25, 2007); see also Kimbrough v. United States, 128 S. Ct. 558 (2007). 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