

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6775

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RUDOLPH ALI CHAMBLEE,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Rebecca Beach Smith, District Judge. (2:96-cr-00140-jcc-1)

Submitted: October 21, 2008

Decided: December 4, 2008

Before TRAXLER and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Rudolph Ali Chamblee, Appellant Pro Se. Laura Marie Everhart, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rudolph Ali Chamblee appeals from the district court's denial of his 18 U.S.C. § 3582(c)(2) (2006) motion for reduction of his sentence based upon Amendments 706 and 711 to the Sentencing Guidelines. The district court denied the motion on the grounds that (1) the court lacked jurisdiction to further reduce the sentence which had already been reduced under Fed. R. Crim. P. 35(b) for Chamblee's substantial assistance and (2) the court had already considered the substance of the Amendments when granting the Rule 35 motion. Without further analysis of the district court's holding, we conclude that application of the amendments would not change Chamblee's pre-departure offense level or Guidelines range. Accordingly, a reduction in sentence under § 3582 was not appropriate. See U.S. Sentencing Guidelines Manual § 1B1.10(a)(2)(B), p.s. (2007 & Supp. 2008). We therefore affirm the district court's denial of Chamblee's motion for reduction of his sentence. We deny Chamblee's motions for appointment of counsel and reconsideration. We grant his motion to amend his informal brief. 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