

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6915

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WALLACE LEE JOHNSON, a/k/a Boo,

Defendant - Appellant.

No. 08-6922

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WALLACE LEE JOHNSON, a/k/a Boo,

Defendant - Appellant.

Appeals from the United States District Court for the Northern District of West Virginia, at Martinsburg. John Preston Bailey, Chief District Judge. (3:04-cr-00008-JPB-DJJ-1; 3:04-cr-00010-JPB-3)

Submitted: March 17, 2009

Decided: March 20, 2009

Before TRAXLER, KING, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Brian Joseph Kornbrath, OFFICE OF THE FEDERAL PUBLIC DEFENDER,
Clarksburg, West Virginia, for Appellant. Paul Thomas
Camilletti, Assistant United States Attorney, OFFICE OF THE
UNITED STATES ATTORNEY, Martinsburg, West Virginia, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Wallace Lee Johnson appeals the district court's order granting in part and denying in part his motions for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (2006). Johnson received the full sentence reduction available under Amendment 706 to the sentencing guidelines. Johnson's contentions that the court could have considered a sentence below the amended guideline range or that he was entitled to a full sentencing hearing under United States v. Booker, 543 U.S. 220 (2005), are foreclosed by our decision in United States v. Dunphy, 551 F.3d 247 (4th Cir. 2009). Accordingly, we affirm the decision of 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