

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-6142**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HERMAN LEE JAMES, JR.,

Defendant - Appellant.

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Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. Joseph R. Goodwin, Chief District Judge. (2:99-cr-00198-1)

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Submitted: April 16, 2009

Decided: April 27, 2009

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Before WILKINSON, NIEMEYER, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Herman Lee James, Jr., Appellant Pro Se. John J. Frail, United States Attorney, Monica Kaminski Schwartz, Assistant United States Attorney, Charleston, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Herman Lee James, Jr., appeals an order of the district court which reduced his sentence from life imprisonment to 360 months pursuant to 18 U.S.C. § 3582(c) (2006). We have reviewed the record and find no reversible error. Accordingly, we affirm. United States v. James, No. 2:99-cr-00198-1 (S.D.W. Va. Jan. 9, 2009). See United States v. Dunphy, 551 F.3d 247 (4th Cir. 2009), petition for cert. filed, Mar. 20, 2009 (No. 08-1185). We deny James' motion for appointment of counsel and his untimely request for rehearing and rehearing en banc of his direct appeal, which was decided in 2001. 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