

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-6515

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DEMETRIC HOCKADAY,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern
District of North Carolina, at Raleigh. W. Earl Britt, Senior
District Judge. (5:05-cr-00220-BR-1)

Submitted: May 21, 2009

Decided: June 1, 2009

Before MOTZ, TRAXLER, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Demetric Hockaday, Appellant Pro Se. Rudolf A. Renfer, Jr.,
Assistant United States Attorney, Raleigh, North Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Demetric Hockaday appeals the district court's order denying his motion for sentence reduction under 18 U.S.C. § 3582(c)(2) (2006). Hockaday contends that he was entitled to a reduction under Amendment 706 of the U.S. Sentencing Guidelines Manual ("USSG"), which lowered the base offense levels for drug offenses involving cocaine base. See USSG § 2D1.1(c) (2007 & Supp. 2008); USSG App C. Amend. 706. Because Hockaday was sentenced on the basis of his status as a career offender, we find that the district court did not abuse its discretion in denying Hockaday's motion. See United States v. Sharkey, 543 F.3d 1236, 1238-39 (10th Cir. 2008); United States v. Moore, 541 F.3d 1323, 1330 (11th Cir. 2008); United States v. Thomas, 524 F.3d 889, 889-90 (8th Cir. 2008).*

Accordingly, we affirm the district court's order denying relief. United States v. Hockaday, No. 5:05-cr-00220-BR-1 (E.D.N.C. Mar. 12, 2009). We also deny Hockaday's motion to appoint counsel. We dispense with oral argument because the facts and legal contentions are adequately presented in the

* Insofar as Hockaday suggests that he was entitled to a full resentencing, his claim is foreclosed by our decision in United States v. Dunphy, 551 F.3d 247, 251 (4th Cir. 2009) (holding that § 3582(c)(2) proceedings "do not constitute a full resentencing of the defendant") (internal quotation marks and citation omitted), petition for cert. filed, 77 U.S.L.W. 3559 (U.S. Mar. 20, 2009) (No. 08-1185).

materials before the court and argument would not aid the decisional process.

AFFIRMED