

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7021

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSEPH ALVAREZ, a/k/a Joe Hill,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Bluefield. David A. Faber, Senior District Judge. (1:95-cr-00072-6)

Submitted: February 11, 2010

Decided: March 1, 2010

Before NIEMEYER and MOTZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Joseph Alvarez, Appellant Pro Se. John Lanier File, Assistant United States Attorney, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joseph Alvarez appeals the district court's orders granting his 18 U.S.C. § 3582(c)(2) (2006) motion for reduction of sentence and denying his motion to proceed in forma pauperis on appeal pursuant to 28 U.S.C. § 1915(c)(3) (2006). We have reviewed the record and find no reversible error.* Accordingly, we affirm for the reasons stated by the district court. United States v. Alvarez, No. 1:95-cr-00072-6 (S.D. W. Va. May 11, 2009; June 1, 2009). 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

* We note that Alvarez has been permitted to proceed in forma pauperis on appeal, rendering moot his challenge to the district court's denial of his motion to proceed on appeal in forma pauperis.