

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-7219**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTOINE TAVARES SMITH,

Defendant - Appellant.

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Appeal from the United States District Court for the Western  
District of North Carolina, at Charlotte. Frank D. Whitney,  
District Judge. (3:03-cr-00110-FDW-1)

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Submitted: October 15, 2009

Decided: October 21, 2009

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Before SHEDD, DUNCAN, and AGEE, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Antoine Tavares Smith, Appellant Pro Se. Amy Elizabeth Ray,  
Assistant United States Attorney, Asheville, North Carolina, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Antoine Tavares Smith appeals the district court's order denying relief on his motion for reduction of sentence filed pursuant to 18 U.S.C. § 3582(c)(2) (2006). We find no reversible error and we thus affirm for the reasons stated by the district court. United States v. Smith, No. 3:03-cr-00110-FDW-1 (W.D.N.C. Apr. 16, 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