

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7654

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RANDOLPH HUNT,

Defendant - Appellant.

No. 09-7698

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RANDOLPH HUNT,

Defendant - Appellant.

Appeals from the United States District Court for the Western
District of North Carolina, at Charlotte. Frank D. Whitney,
District Judge. (3:02-cr-00199-FDW-1; 3:06-cv-00471-FDW)

Submitted: October 26, 2010

Decided: November 5, 2010

Before DUNCAN and AGEE, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Randolph Hunt, Appellant Pro Se. Amy Elizabeth Ray, Assistant
United States Attorney, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Randolph Hunt appeals the district court's orders denying his motion for correction of clerical error pursuant to Fed. R. Crim. P. 36, and granting his motion for sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) (2006). Hunt contends that two prior convictions were invalid, and thus their inclusion in the calculation of his criminal history category at the time of his original sentencing proceeding was erroneous. However, this belated challenge to his criminal history category cannot be remedied by way of a Rule 36 motion or a § 3582 motion. Accordingly, we affirm the district court's orders. See United States v. Hunt, Nos. 3:02-cr-00199-FDW-1; 3:06-cv-00471-FDW (W.D.N.C. June 1 & Aug. 27, 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