

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-8153

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SYLVESTER KELLY,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Claude M. Hilton, Senior District Judge. (1:06-cr-00297-CMH-3)

Submitted: March 30, 2010

Decided: April 5, 2010

Before WILKINSON, GREGORY, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Sylvester Kelly, Appellant Pro Se. Lawrence Joseph Leiser, Karen Ledbetter Taylor, Assistant United States Attorneys, Dennis Michael Fitzpatrick, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sylvester Kelly appeals the district court's order denying his motion to reconsider the court's earlier order ruling on his 18 U.S.C. § 3582(c)(2) (2006) motion for a reduction in sentence. We have reviewed the record and find no reversible error. Accordingly, we affirm. See United States v. Goodwyn, 596 F.3d 233, 234-46 (4th Cir. 2010) (holding that district court lacked authority to grant defendant's motion to reconsider, filed eight months after the district court's order ruling on original § 3582(c)(2) motion). 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