

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-6803**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DONNIE KEITH HOWELL,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Greenville. Malcolm J. Howard, Senior District Judge. (3:94-cr-00056-H-1)

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Submitted: September 28, 2010

Decided: October 5, 2010

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Before WILKINSON, SHEDD, and DAVIS, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Donnie Keith Howell, Appellant Pro Se. Jennifer P. May-Parker, Rudolf A. Renfer, Jr., Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Donnie Keith Howell appeals the district court's orders denying his motion for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (2006) and denying his motion for reconsideration. Howell argues that the district court erred by failing to reduce his sentence based upon U.S. Sentencing Guidelines Manual ("USSG") App. C. Amend. 706 (2007), which lowered the offense level for sentences involving crack cocaine. Howell's sentence was determined by the career offender guideline and was not based on a sentencing range lowered by the amendment. See United States v. Hood, 556 F.3d 226, 232 (4th Cir. 2009). Accordingly, we affirm district court's orders. 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