

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-7447

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RICKY LEE PRITCHETT,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Danville. Jackson L. Kiser, Senior District Judge. (4:03-cr-70162-JLK-1)

Submitted: December 20, 2011

Decided: December 23, 2011

Before MOTZ, DUNCAN, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Ricky Lee Pritchett, Appellant Pro Se. Ronald Andrew Bassford, Assistant United States Attorney, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ricky Lee Pritchett appeals the district court's order denying his motion for a reduction of his sentence pursuant to 18 U.S.C. § 3582(c)(2) (2006). Pritchett has also filed a motion for the appointment of appellate counsel, and a motion pursuant to 28 U.S.C.A. § 2255(h) (West Supp. 2011) for authorization to file a second or successive § 2255 motion.

With respect to the denial of Pritchett's 18 U.S.C. § 3582(c)(2) motion, we have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Pritchett, No. 4:03-cr-70162-JLK-1 (W.D. Va. Oct. 17, 2011). Moreover, we deny as moot Pritchett's motion for the appointment of appellate counsel, and his motion for reconsideration of our previous order deferring consideration of this motion.

Furthermore, permission to file a § 2255 motion is required only when a movant seeks to file a second or successive § 2255 motion. Pritchett has not previously filed a § 2255 motion in the district court. Therefore, we deny the motion as unnecessary.

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