

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-4251

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KEVIN ALGERIO,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, District Judge. (CR-95-103)

Submitted: December 12, 1996 Decided: December 19, 1996

Before MURNAGHAN, NIEMEYER, and LUTTIG, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Judson W. Collier, Jr., HOOKER, BODE, COLLIER & DICKINSON, Richmond, Virginia, for Appellant. Helen F. Fahey, United States Attorney, M. Hannah Lauck, Assistant United States Attorney, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant Kevin Algerio appeals from a sentence imposed as a result of his pleading guilty to violating the terms of his supervised release. Algerio contends that the district court abused its discretion by sentencing him to the high end of the guideline range. However, a claim that a court erred by imposing a sentence at the high or low end of a correctly calculated guideline range is generally not reviewable. United States v. Jones, 18 F.3d 1145, 1151 (4th Cir. 1994). Because Algerio has not alleged that his sentence was based on an unconstitutional classification, see United States v. Holmes, 60 F.3d 1134, 1137 (4th Cir. 1995), the sentence of the district court is unreviewable. Accordingly, we dismiss Algerio's challenge to his sentence. 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.

DISMISSED