

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-6258

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CEARFUL SPEIGHT, a/k/a June,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Rebecca B. Smith, District Judge. (CR-93-90-N)

Submitted: June 9, 1998

Decided: June 18, 1998

Before MURNAGHAN, WILLIAMS, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Cearful Speight, Appellant Pro Se. Fernando Groene, OFFICE OF THE UNITED STATES ATTORNEY, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals the district court's order denying his motion for a modification of sentence under 18 U.S.C.A. § 3582(c)(2) (West Supp. 1998). We have reviewed the record and the district court's opinion and find no reversible error. We note that Amendment 487 to the United States Sentencing Guidelines became effective on November 1, 1993, and the Presentence Investigation Report relied on the November 1, 1993, version of the Guidelines in calculating Appellant's sentence. Thus, Appellant's claim that he is entitled to resentencing based on Amendment 487 is meritless. Accordingly, we affirm substantially on the reasoning of the district court. See United States v. Speight, No. CR-93-90-N (E.D. Va. Jan. 12, 1998). 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