

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7207

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DWIGHT SHAFFER,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. Charles H. Haden II, Chief District Judge. (CR-92-299, CA-98-550-2)

Submitted: December 17, 1998

Decided: January 12, 1999

Before WILKINS, NIEMEYER, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Dwight Shaffer, Appellant Pro Se. Michael Lee Keller, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Dwight Shaffer appeals an order of the district court denying a motion for sentence reduction based on Shaffer's post-sentence rehabilitation efforts. We affirm. Under 18 U.S.C.A. § 3582(c) (West 1985 & Supp. 1998), and Fed. R. Crim. P. 35, the court may not modify a term of imprisonment once it has been imposed except in very narrow circumstances not applicable here. United States v. Fraley, 988 F.2d 4, 6 (4th Cir. 1993). The cases cited by Shaffer to support his argument that post-sentencing rehabilitation efforts can be considered under the sentencing guidelines involve situations where an initial sentence has been reversed on other grounds and the offender is to be resentenced, United States v. Sally, 116 F.3d 76 (3d Cir. 1997); or post-offense but presentence rehabilitation efforts. United States v. Brock, 108 F.3d 31 (4th Cir. 1997). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and oral argument would not aid the decisional process.

AFFIRMED