

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-7623

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WAYNE ERVIN LAMBERT,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. Cameron McGowan Currie, District Judge. (CR-92-405)

Submitted: March 7, 2000

Decided: March 17, 2000

Before WILLIAMS, MICHAEL, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Douglas A. Trant, TRANT & ASSOCIATES, Knoxville, Tennessee, for Appellant. J. Rene Josey, United States Attorney, Mark C. Moore, Assistant United States Attorney, Ann Agnew Cupp, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Wayne Ervin Lambert appeals the district court's order denying his motion to compel the Government to file a motion for reduction of sentence under Fed. R. Crim. P. 35. He contends that this decision was in error, and that the district court abused its discretion in failing to conduct an evidentiary hearing. We have reviewed the district court's decision and the materials presented by the parties, and find no reversible error in the district court's denial of Lambert's motion. We likewise find that the district court did not abuse its discretion in refusing to conduct an evidentiary hearing. See United States v. Pridgen, 64 F.3d 147, 150 (4th Cir. 1995) (providing standard). Accordingly, we affirm on the reasoning of the district court.* See United States v. Lambert, No. CR-92-405 (D.S.C. Nov. 18, 1999). 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

* We deny the Government's motion to file a surreply brief.