

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7638

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WILLIAM ERIC BOLTON,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Newport News. Raymond A. Jackson, District Judge. (4:03-cr-00095-RAJ-FBS-1)

Submitted: February 24, 2009

Decided: March 17, 2009

Before WILKINSON, MOTZ, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

William Eric Bolton, Appellant Pro Se. Laura Pellatiro Tayman, Assistant United States Attorney, Newport News, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William Eric Bolton appeals the district court's order denying his 18 U.S.C. § 3582(c)(2) (2006) motion for reduction of sentence. We have reviewed the record and find no reversible error. Bolton cannot benefit from Amendment 706 to the Sentencing Guidelines because of the quantities of cocaine powder and marijuana for which he was originally held accountable. Those quantities convert to a total of 16,820.817 kilograms of marijuana and a base offense level of thirty-six, U.S. Sentencing Guidelines Manual § 2D1.1 (2008), which is the same base offense level applied at Bolton's original sentencing when he was also held accountable for a quantity of crack cocaine. Consequently, Bolton may not now receive a reduction in base offense level, see id. § 2D1.1 cmt. n.10(D)(ii)(II), and he is therefore ineligible for a sentence reduction pursuant to § 3582(c)(2). Accordingly, we grant Bolton leave to proceed in forma pauperis and affirm the district court. 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