

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6025

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSEPH ROGER PEARSON,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Spartanburg. Henry M. Herlong, Jr., Senior District Judge. (7:08-cr-00818-HMH-1)

Submitted: February 28, 2011

Decided: March 9, 2011

Before TRAXLER, Chief Judge, and KING and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Joseph Roger Pearson, Appellant Pro Se. William Jacob Watkins, Jr., OFFICE OF THE UNITED STATES ATTORNEY, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joseph Roger Pearson appeals the district court's order denying his motion for resentencing under the Fair Sentencing Act of 2010, Pub. L. No. 111-220, 124 Stat. 2372. We have reviewed the record and find no reversible error. The Fair Sentencing Act, which increased the amounts of cocaine base that trigger the statutory minimum sentences at 21 U.S.C.A. § 841(b) (West 2006 & Supp. 2010), is not retroactive and is therefore inapplicable to Pearson's sentence. See United States v. Diaz, 627 F.3d 930, 931 (2d Cir. 2010) (per curiam); United States v. Brewer, 624 F.3d 900, 909 n.7 (8th Cir. 2010); United States v. Bell, 624 F.3d 803, 814 (7th Cir. 2010); United States v. Gomes, 621 F.3d 1343, 1346 (11th Cir. 2010) (per curiam); United States v. Carradine, 621 F.3d 575, 580 (6th Cir. 2010).

Accordingly, we affirm the district court's order. United States v. Pearson, No. 7:08-cr-00818-HMH-1 (D.S.C. Dec. 23, 2010). 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