

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-6274

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

LARRY RANDALL BULLOCK,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, District Judge. (CR-91-66)

Submitted: November 21, 1996

Decided: December 6, 1996

Before HALL, WILKINS, and HAMILTON, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Bridgett Britt Aguirre, Fuquay-Varina, North Carolina, for Appellant. Janice McKenzie Cole, United States Attorney, David J. Cortes, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Larry Randall Bullock appeals from a district court order denying his Fed. R. Crim. P. 35(b) motion for reduction of his sentence. We dismiss the appeal.

It is uncontested that Bullock's initial sentence was within the range set by the federal sentencing guidelines. The order denying Bullock's Rule 35 motion is not appealable. See United States v. Pridgen, 64 F.3d 147, 149-50 (4th Cir. 1995). Because the district court's decision on the Rule 35 motion is not appealable, Bullock's argument regarding the district court's discrepancy between its oral pronouncement to grant the motion but reserving for later decision the amount of departure and the written order denying the motion is not subject to review by this court.

We dismiss the appeal for lack of jurisdiction. 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.

DISMISSED