

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-6900

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TONY O'NEAL HARRIS,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry M. Herlong, Jr., District Judge. (CR-95-912)

Submitted: November 20, 1997

Decided: December 10, 1997

Before MURNAGHAN, MICHAEL, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Tony O'Neal Harris, Appellant Pro Se. E. Jean Howard, OFFICE OF THE UNITED STATES ATTORNEY, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Tony O'Neal Harris appeals the district court's order denying his motion for reduction of sentence. Harris alleges that he was sentenced under a pre-1994 version of U.S. Sentencing Commission, Guidelines Manual, § 2D1.1(c), resulting in a base offense level higher than that permissible under the Guidelines Manual in effect as of November, 1994. We have reviewed the record and find his factual assertion to be incorrect. Harris's sentence was computed according to the 1995 edition of the Guidelines Manual. He did receive a base offense level of 38 which, after subsequent adjustments, resulted in a total offense level of 37. Therefore, we affirm the district court's denial of his motion for reduction. 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