

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7636

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARCOS GONZALEZ-DELGADO,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of North Carolina, at Asheville. Lacy H. Thornburg,
District Judge. (1:04-cr-00084-LHT-DLH-1)

Submitted: December 16, 2008

Decided: December 24, 2008

Before WILKINSON, MICHAEL, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Marcos Gonzalez-Delgado, Appellant Pro Se. Jill Westmoreland
Rose, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marcos Gonzalez-Delgado appeals the district court's order denying his motion to dismiss his indictment, filed pursuant to Fed. R. Crim. P. 12(b)(2).^{*} We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See United States v. Gonzalez-Delgado, No. 1:04-cr-00084-LHT-DLH-1 (W.D.N.C. July 18, 2008). 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

^{*} As the district court noted, Gonzalez-Delgado likely intended to bring this motion under Fed. R. Crim. P. 12(b)(3)(B). However, as relief is unavailable to him under either subsection of Rule 12, we find this to be of no consequence.