

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 06-6763

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

EMMANUEL JEROME GARDNER,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, Senior District Judge. (4:03-cr-00014-H)

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Submitted: February 15, 2007

Decided: February 21, 2007

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Before NIEMEYER, KING, and DUNCAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Emmanuel Jerome Gardner, Appellant Pro Se. Yvonne Victoria Watford-McKinney, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Emmanuel J. Gardner appeals the district court's amended judgment entered pursuant to Fed. R. Crim. P. 36. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Gardner, No. 4:03-cr-00014-H (E.D.N.C. Mar. 23, 2006). We further deny Gardner's motion for appointment of counsel. 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