

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-7069

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOSE TIOFANI DIAZ HERNANDEZ,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at New Bern. Louise W. Flanagan, Chief District Judge. (5:03-cr-228-FL)

Submitted: October 31, 2006

Decided: November 6, 2006

Before WILLIAMS, MICHAEL, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Jose Tiofani Diaz Hernandez, Appellant Pro Se. Rudolph A. Renfer, Jr., Robert Edward Skiver, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Jose Tiofani Diaz Hernandez appeals the district court's order denying relief on his Fed. R. Civ. P. 52(b) motion. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Hernandez, No. 5:03-cr-228-FL-ALL (E.D.N.C. Apr. 19, 2006). 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