

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-8048

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

LAMONT HENDERSON,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Anderson. Henry M. Herlong, Jr., District Judge. (8:03-cr-00614-HMH)

Submitted: September 21, 2007

Decided: December 14, 2007

Before NIEMEYER and MICHAEL, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Lamont Henderson, Appellant Pro Se. Alan Lance Crick, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lamont Henderson appeals the district court's oral order denying his motion for a new trial pursuant to Fed. R. Crim. P. 33. Finding no reversible error, we affirm.

Henderson argues he has newly discovered evidence to justify a new trial. He claims the Government failed to acknowledge there was an immunity agreement in the case and the court failed to disclose grand jury testimony. However, Henderson cannot demonstrate that any of his claims constitute newly discovered evidence. Henderson also objects to the form of the district court's oral order. Based on our review of the record, we find no evidence that Henderson was prejudiced by either an oral ruling on his motion or the district court's entry of a "docket text order" denying his motion. Cf. Blanco de Belbruno v. Ashcroft, 362 F.3d 272, 281-82 (4th Cir. 2004).

Accordingly, we affirm the district court's order denying Henderson's motion for a new trial. We also deny Henderson's motion for summary judgment. 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