

ON REHEARING

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-6100

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

AMADO ANTONIO CARTAGENA,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Frank D. Whitney, District Judge. (3:06-cr-00153-FDW-DCK-1)

Submitted: June 18, 2009

Decided: November 18, 2009

Before NIEMEYER, GREGORY, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Amado Antonio Cartagena, Appellant Pro Se. Amy Elizabeth Ray, Assistant United States Attorney, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Amado Antonio Cartagena pled guilty without a plea agreement to unlawful reentry into the United States by a deported alien, in violation of 8 U.S.C. § 1326(a), (b)(2) (2006), and was sentenced to eighty months in prison. Cartagena appealed, and on February 22, 2008, we affirmed his conviction and sentence. See United States v. Cartagena, 266 F. App'x 286 (4th Cir. Feb. 22, 2008) (No. 07-4530). Cartagena now seeks to file a second appeal of his conviction and sentence. We have previously affirmed this judgment, and we dismiss the appeal as duplicative and untimely. 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.

DISMISSED