

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7048

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MONTE DUBOIS GREGORY,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Frank D. Whitney, District Judge. (3:08-cv-00482-FDW)

Submitted: October 27, 2009

Decided: December 10, 2009

Before NIEMEYER, MICHAEL, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Monte Dubois Gregory, Appellant Pro Se. Gretchen C. F. Shappert, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Monte Dubois Gregory appeals the district court's order denying Gregory's motion to compel the Government to file a Federal Rule of Criminal Procedure 35(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. Gregory, No. 3:08-cv-00482-FDW (W.D.N.C. Apr. 15, 2009). 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