

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7610

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CURTIS BURSTON, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. James C. Fox, Senior District Judge. (5:04-cr-00371-F-2; 5:08-cv-00087-F)

Submitted: November 19, 2009

Decided: December 4, 2009

Before MOTZ, GREGORY, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Curtis Burston, Jr., Appellant Pro Se. Steve R. Matheny, Assistant United States Attorney, Kimberly Ann Moore, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Curtis Burston, Jr., appeals from a district court order denying his motion to reconsider the denial of his motion for a writ of audita querela. We have reviewed the district court's order and the record and affirm on the reasoning of the district court. See United States v. Burston, No. 5:04-cr-00371-F-2 (E.D.N.C. Aug. 5, 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