

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-8049**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARLIN RAINEY,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T. S. Ellis, III, Senior District Judge. (1:95-cr-00387-TSE-3)

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Submitted: February 25, 2010

Decided: March 5, 2010

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Before DUNCAN and AGEE, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Marlin Rainey, Appellant Pro Se. Irvin McCreary Allen, OFFICE OF THE UNITED STATES ATTORNEY; Robert Eric Friedman, Special Assistant United States Attorney, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marlin Rainey appeals the district court's order denying his "Request for Nunc Pro Tunc and Amended Judgment." We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Rainey, No. 1:95-cr-00387-TSE-3 (E.D. Va. filed Oct. 21, 2009; entered Oct. 22, 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