

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-7045**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

NEMECIO BENITEZ NOZARIO, a/k/a Amigo, a/k/a Demecio,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. James C. Fox, Senior District Judge. (5:06-cr-00285-F-3)

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Submitted: November 18, 2010

Decided: December 1, 2010

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

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Affirmed by unpublished per curiam opinion.

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Nemecio Benitez Nozario, Appellant Pro Se. Rudolf A. Renfer, Jr., Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Nemecio Benitez Nozario appeals the district court's orders denying his motion to compel the Government to file a Fed. R. Crim. P. 35(b) motion, and his subsequent motion for reconsideration. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Nozario, No. 5:06-cr-00285-F-3 (E.D.N.C. June 24 & July 15, 2010). 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