

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 11-6949**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHNNY BERNARD MILLER, a/k/a Bernard Miller.

Defendant - Appellant.

---

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Graham C. Mullen, Senior District Judge. (3:92-cr-00101-GCM-1)

---

Submitted: November 15, 2011

Decided: November 18, 2011

---

Before NIEMEYER and KEENAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

---

Affirmed by unpublished per curiam opinion.

---

Johnny Bernard Miller, Appellant Pro Se. Thomas Tullidge Cullen, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Johnny Bernard Miller appeals from the district court's text orders denying his motions for relief from his criminal judgment and appointment of counsel. Miller asserted he was actually innocent of his criminal charges. However, neither the federal statutes nor the Rules of Criminal and Appellate Procedure provide for a motion to reopen or a motion for reconsideration in a criminal case. Miller must seek relief under 28 U.S.C.A. §§ 2241, 2255 (West Supp. 2011). See United States v. Breit, 754 F.2d 526, 530-31 (4th Cir. 1985). Accordingly, we affirm the orders of the district court. 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