

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-4701

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RALPH T. BYRD,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Joseph R. Goodwin, District Judge, sitting by designation. (1:12-cr-00365-JRG-1)

Submitted: August 26, 2014

Decided: September 5, 2014

Before NIEMEYER, KING, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James Wyda, Federal Public Defender, Julie L.B. Johnson, Appellate Attorney, Greenbelt, Maryland, for Appellant. Rod J. Rosenstein, United States Attorney, Mark W. Crooks, Assistant United States Attorney, Allison C. Pearson, Student Law Clerk, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ralph T. Byrd was convicted on three counts of contempt of court. The district court sentenced him to six months of probation and home confinement and forty hours of community service. He appeals, challenging the denial of his motion for a jury trial and arguing that he was denied a fair trial in the selection of the judge to preside over his trial.

We have reviewed the record and the briefs filed by the parties and we find no reversible error. Specifically, we find that Byrd was not entitled to a jury trial under either the Sixth Amendment or pursuant to 18 U.S.C. §§ 402, 3691 (2012). Additionally, we conclude that there is no merit to Byrd's claim of a denial of a fair trial by the assignment of the case to the district court judge. See Tumey v. Ohio, 273 U.S. 510, 531 (1927) (finding no need for recusal and no due process violation where allegation of bias is "remote, trifling, and insignificant"); United States v. Cherry, 330 F.3d 658, 665 (4th Cir. 2003) (applying objective reasonable person standard to determination of whether recusal is required). Accordingly, we affirm Byrd's conviction and sentence. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED