

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6131

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARTIN F. SALAZAR,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Aiken. Margaret B. Seymour, Senior District Judge. (1:06-cr-00123-MBS-1)

Submitted: May 31, 2013

Decided: June 12, 2013

Before MOTZ and WYNN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Martin F. Salazar, Appellant Pro Se. Dean A. Eichelberger, Assistant United States Attorney, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Martin F. Salazar appeals from the district court's text order denying his motions for reconsideration of his criminal conviction under Fed. R. Civ. P. 59 and 60, his motion for a hearing, and his motion for a new trial under Fed. R. Crim. P. 33. Initially, Fed. R. Civ. P. 59 and 60 are rules of civil procedure and, thus, not applicable in criminal proceedings. See Fed. R. Civ. P. 1, 81; United States v. Mosavi, 138 F.3d 1365, 1366 (11th Cir. 1998). Regarding Rule 33, Salazar's motion was clearly untimely. Fed. R. Crim. P. 33(b). Moreover, Salazar's allegations have been repeatedly addressed and rejected in previous motions, and therefore, even were the motion timely, it was without merit. Based on the foregoing, we affirm. We deny Salazar's motion for transcripts. 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