

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6329

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHONTONIO L. WITHERSPOON,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Patrick Michael Duffy, Senior District Judge. (2:08-cr-00844-PMD-1)

Submitted: May 23, 2013

Decided: May 29, 2013

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

Affirmed by unpublished per curiam opinion.

Shontonio L. Witherspoon, Appellant Pro Se. Matthew J. Modica, Assistant United States Attorney, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shontonio L. Witherspoon appeals the district court's order denying his Fed. R. Civ. P. 60(b) motion to reconsider the criminal judgment entered in his case in 2010. Rule 60, however, is applicable only in civil cases; it is not a mechanism available to reopen or overturn a criminal judgment. See United States v. Goodwyn, 596 F.3d 233, 235-36 (4th Cir. 2010) (holding that a district court has no authority to grant a motion to reconsider its previous order denying an 18 U.S.C. § 3582(c)(2) motion). And in any event, it is evident from the record that the district court did not abuse its discretion in denying Witherspoon's motion. See Aikens v. Ingram, 652 F.3d 496, 501 (4th Cir. 2011).

Accordingly, we affirm the judgment of the district court. 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