

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6732

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

NATTANER PHILLIPS, a/k/a Nathaniel Phillips, a/k/a Nate,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Arenda Wright Allen, District Judge. (2:09-cr-00031-AWA-FBS-5)

Submitted: August 22, 2013

Decided: August 27, 2013

Before MOTZ, DIAZ, and FLOYD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Nattaner Phillips, Appellant Pro Se. Laura Marie Everhart, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Nattaner Phillips appeals the district court's order dismissing his motion to appoint counsel to aid in the preparation of a 28 U.S.C.A. § 2255 (West Supp. 2013) motion to set aside, vacate, or correct his federal sentence. We have reviewed the record and conclude the district court did not abuse its discretion in denying the requested relief. Accordingly, we affirm the district court's order.* See United States v. Phillips, No. 2:09-cr-00031-AWA-FBS-5 (E.D. Va. filed Apr. 8, 2013 & entered Apr. 9, 2013). 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

* We note that the district court did not explicitly construe Phillips' motion to appoint counsel as a 28 U.S.C.A. § 2255 motion or provide notice of its intent to so construe the motion. See Castro v. United States, 540 U.S. 375, 377 (2003). Accordingly, Phillips remains free to file a § 2255 motion in the district court.