

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-7399

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARK PINELLA,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Louise W. Flanagan, District Judge. (5:10-cr-00151-FL-1)

Submitted: December 19, 2013

Decided: December 24, 2013

Before SHEDD, DAVIS, and FLOYD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Mark Pinella, Appellant Pro Se. Jane J. Jackson, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mark Pinella appeals the district court's order denying his Fed. R. Civ. P. 59(e) motion that challenged the court's order denying his Fed. R. Civ. P. 60(b)(4) motion, in which he alleged the criminal judgment against him was void. Although the district court denied relief on the merits, the Federal Rules of Civil Procedure do not provide a vehicle by which Pinella may challenge his criminal judgment. United States v. O'Keefe, 169 F.3d 281, 289 (5th Cir. 1999) (stating that criminal defendant cannot challenge orders entered in his criminal case using Fed. R. Civ. P. 60(b), and citing United States v. Mosavi, 138 F.3d 1365, 1366 (11th Cir. 1998) (per curiam)). Nor could Pinella have properly sought reconsideration under the Federal Rules of Criminal Procedure. See United States v. Goodwyn, 596 F.3d 233, 235 (4th Cir. 2010) (holding that Fed. R. Crim. P. 35 authorizes reconsideration within fourteen days only to correct arithmetical, technical, or other clear error).

Accordingly, we affirm the district court's denial of relief. 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