

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6866

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JERRY DAVIS,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry M. Herlong, Jr., Senior District Judge. (6:03-cr-01092-HMH-11)

Submitted: August 12, 2014

Decided: August 19, 2014

Before NIEMEYER, WYNN, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Jerry Davis, Appellant Pro Se. Leesa Washington, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jerry Davis appeals the district court's order denying his motion for recusal. We have reviewed the record and, recognizing that there is no pending action in the district court, we conclude that the court did not abuse its discretion. See United States v. Whorley, 550 F.3d 326, 339 (4th Cir. 2008) (stating standard of review); see also United States v. Sciarra, 851 F.2d 621, 636 (3d Cir. 1988) (disqualification not called for when movants have no pending action before the judge). Accordingly, we affirm. 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