

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-7748**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CLYDE KIRBY WHITLEY,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern  
District of North Carolina, at Raleigh. Louise W. Flanagan,  
District Judge. (5:07-cr-00080-FL-1)

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Submitted: July 23, 2015

Decided: July 27, 2015

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Before NIEMEYER and KING, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Clyde Kirby Whitley, Appellant Pro Se. Jane J. Jackson, Assistant  
United States Attorney, Seth Morgan Wood, OFFICE OF THE UNITED  
STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Clyde Kirby Whitley noted an appeal from the district court's order reducing his sentence pursuant to Federal Rule of Criminal Procedure 35(b). In his informal brief, Whitley explains that he did not intend to appeal that order. Instead, he seeks review of a subsequent order denying his motion for reconsideration. Whitley, however, did not file a notice of appeal of the order denying his motion for reconsideration in the district court. Because Whitley does not assert any error in the court's order reducing his sentence and the order Whitley seeks to appeal is not properly before this court, we dismiss Whitley's appeal. 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.

DISMISSED