

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-6237

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PERCY JAMES TUCKER,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Arenda L. Wright Allen, District Judge. (2:09-cr-00182-AWA-DEM-1)

Submitted: June 30, 2015

Decided: July 8, 2015

Before MOTZ, KEENAN, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Percy James Tucker, Appellant Pro Se. Sherrie Scott Capotosto, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Percy James Tucker appeals the district court's order denying his Fed. R. Crim. P. 33 motion for a new trial¹ and his motion for recusal pursuant to 28 U.S.C. § 455(b)(1) (2012). We affirm.

We conclude that the district court did not abuse its discretion by denying the recusal motion because the district court's judicial determinations in Tucker's criminal case, on which Tucker's challenge to the denial is based, do not provide a basis for recusal. Liteky v. United States, 510 U.S. 540, 545 (1994); Kolon Indus. Inc. v. E.I. DuPont de Nemours & Co., 748 F.3d 160, 167 (4th Cir.), cert. denied, 135 S. Ct. 437 (2014); Belue v. Leventhal, 640 F.3d 567, 573 (4th Cir. 2011). We also conclude that Tucker has forfeited appellate review of the ground raised in his informal brief challenging the denial of his Rule 33 motion for a new trial because he otherwise failed to address the district court's bases for denying relief. See 4th Cir. R. 34(b).

¹ Tucker also appeals the denial of his motion for release from custody and an amendment to the motion for release from custody, both of which were based on his Rule 33 motion for a new trial.

Accordingly, we affirm the district court's order.² 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

² We grant Tucker's motion to file the supplemental informal brief he has submitted. To the extent the motion and the supplemental informal brief address issues raised for the first time on appeal, we do not review those issues. See In re Under Seal, 749 F.3d 276, 285 (4th Cir. 2014).