

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7131

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BILLY R. MCCULLERS, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Newport News. Rebecca Beach Smith, Chief District Judge. (4:07-cr-00049-RBS-JEB-1)

Submitted: January 17, 2017

Decided: January 19, 2017

Before NIEMEYER, TRAXLER, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Billy R. McCullers, Jr., Appellant Pro Se. Melissa Elaine O'Boyle, Assistant United States Attorney, Norfolk, Virginia; Howard Jacob Zlotnick, Assistant United States Attorney, Newport News, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Billy R. McCullers, Jr., appeals from the district court's margin order denying his motion filed in his criminal case under Fed R. Civ. P. 15(c)(2) to relate back a new claim to his previously adjudicated and denied 28 U.S.C. § 2255 (2012) motion. We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's order. United States v. McCullers, No. 4:07-cr-00049-RBS-JEB-1 (E.D. Va. Aug. 12, 2016). 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