

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 16-7717**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID A. HICKS,

Defendant - Appellant.

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Appeal from the United States District Court for the Southern District of West Virginia,  
at Charleston. Joseph R. Goodwin, District Judge. (2:05-cr-00040-1)

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Submitted: July 14, 2017

Decided: July 20, 2017

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Before WILKINSON, NIEMEYER, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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David A. Hicks, Appellant Pro Se. Gary L. Call, Steven Loew, Assistant United States  
Attorneys, Betty Adkins Pullin, OFFICE OF THE UNITED STATES ATTORNEY,  
Charleston, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

**PER CURIAM:**

David A. Hicks appeals the district court's order granting the Government's motion to destroy evidence. The motion was granted in accordance with the district court's local rules, and Hicks offers no evidence to support his claim that the exhibits support a claim of actual innocence. Accordingly, we affirm the grant of the Government's motion. 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*