

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 20-7701**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

AVERY DEMOND JETER,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at  
Spartanburg. Bruce H. Hendricks, District Judge. (7:07-cr-00695-BHH-1)

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Submitted: March 23, 2021

Decided: March 29, 2021

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Before THACKER, QUATTLEBAUM, and RUSHING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Avery Demond Jeter, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Avery Demond Jeter appeals the district court's order denying his motion for appointment of counsel to determine whether he was entitled to postconviction relief pursuant to *United States v. Lockhart*, 947 F.3d 187 (4th Cir. 2020), and *United States v. Gary*, 954 F.3d 194 (4th Cir. 2020), *cert. granted*, \_\_\_ S. Ct. \_\_\_, No. 20-444, 2021 WL 77245 (U.S. Jan. 8, 2021). Because Jeter had not filed a postconviction motion in the district court, there was no pending action in which to appoint counsel to represent Jeter. Accordingly, we affirm. *United States v. Jeter*, No. 7:07-cr-00695-BHH-1 (D.S.C. Oct. 20, 2020). We deny Jeter's motion for appointment of counsel and 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*