

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-6693

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RICHARD GRAVELY,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Huntington. Robert C. Chambers, District Judge. (3:94-cr-00082-1)

Submitted: October 15, 2009

Decided: October 19, 2009

Before SHEDD, DUNCAN, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Richard Gravely, Appellant Pro Se. Lisa Grimes Johnston, Assistant United States Attorney, Huntington, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Richard Gravely appeals the district court's order adopting the report and recommendation of the magistrate judge and denying Gravely's Fed. R. Crim. P. 35 motion. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Gravely, No. 3:94-cr-00082-1 (S.D.W. Va. Apr. 9, 2009). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED