

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-4991

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TIMOTHY EDWARD SIMMS, a/k/a DeNasty,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. William M. Nickerson, Senior District Judge. (CR-97-355-WMN)

Submitted: September 20, 2002

Decided: November 8, 2002

Before WILKINS, MICHAEL, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Michael D. Montemarano, MICHAEL D. MONTEMARANO, P.A., Baltimore, Maryland, for Appellant. Robert Reeves Harding, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Timothy Simms appeals his 240 month sentence entered after remand for resentencing on his conviction for conspiracy to distribute narcotics, in violation of 21 U.S.C. § 846 (2000), and aiding and abetting, in violation of 18 U.S.C. § 2 (2000). The Government has filed a motion which we construe as one for summary affirmance.

We grant the Government's motion for summary affirmance. 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