

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6446

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TYRONE TOSSIE, a/k/a Popeye,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, Chief District Judge. (CR-95-39-BO)

Submitted: August 23, 2001

Decided: August 29, 2001

Before WILKINS and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Tyrone Tossie, Appellant Pro Se. Fenita Morris Shepard, Jerri Ulrica Dunston, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Tyrone Tossie appeals from the district court's order denying his Fed. R. Civ. P. 60(b) motion to amend or modify his criminal conviction and sentence. As the district court noted, Rule 60(b) is not applicable to federal criminal proceedings. Therefore, we affirm the order of the district court. United States v. Tossie, No. CR-95-39-BO (E.D.N.C. Mar. 1, 2001). 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