

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-7389**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

LACY FRUIT, JR.,

Defendant - Appellant.

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Appeal from the United States District Court for the Southern District of West Virginia, at Beckley. Robert C. Chambers, District Judge. (CR-00-13)

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Submitted: December 20, 2001

Decided: January 2, 2002

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Before LUTTIG, TRAXLER, and GREGORY, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Lacy Fruit, Jr., Appellant Pro Se. Michael Lee Keller, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Lacy Fruit, Jr. seeks to appeal the district court's order denying his motion seeking to challenge his conviction and sentence pursuant to Fed R. Crim. P. 52(b). We have reviewed the record and the district court's opinion accepting the recommendation of the magistrate judge and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See United States v. Fruit, No. CR-00-13 (S.D.W. Va. July 23, 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