

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6205

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WALLENE ANTOINETTE GAITHER,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. Frank W. Bullock, Jr., District Judge. (CR-98-202)

Submitted: May 16, 2002

Decided: May 23, 2002

Before NIEMEYER, MICHAEL, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Wallene Antoinette Gaither, Appellant Pro Se. Robert Albert Jamison Lang, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Wallene Antoinette Gaither appeals the district court's order denying her motion for a new trial pursuant to Fed. R. Crim. P. 33, or, in the alternative, for dismissal of the indictment. 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. Gaither, No. CR-98-202 (M.D.N.C. Jan. 24, 2002). 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