

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6312

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

LUIS RAUL DIAZ,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T.S. Ellis, III, District Judge. (CR-00-113)

Submitted: September 19, 2002 Decided: September 27, 2002

Before WILKINS, LUTTIG, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Luis Raul Diaz, Appellant Pro Se. Sonya LeGene Sacks, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Luis Raul Diaz appeals from the district court's orders denying his motion for an evidentiary hearing, on the grounds that the Government should have filed a motion for the reduction of his sentence under Fed. R. Crim. P. 35(b), and denying his motion to reconsider. We have reviewed the record and the district court's opinions and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See United States v. Diaz, No. CR-00-113 (E.D. Va. filed Dec. 7, 2002 & entered Dec. 10, 2001; filed Dec. 20, 2000 & entered Dec. 21, 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