

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-5073**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

GEORGE B. SPENCE,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Samuel G. Wilson, District Judge. (CR-02-6)

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Submitted: January 3, 2006

Decided: January 19, 2006

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Before LUTTIG, WILLIAMS, and TRAXLER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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John S. Edwards, Roanoke, Virginia, for Appellant. John L. Brownlee, United States Attorney, Jean B. Hudson, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Charlottesville, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

George B. Spence appeals the denial of his motion to compel specific performance of that portion of his plea agreement requiring the government to make a motion for a downward departure if Spence offered full, voluntary, and truthful testimony, if he abided by any reasonable requests of the case agents or the United States Attorney's Office, and if his efforts resulted in the prosecution of another person. Having carefully considered the parties' submissions, we affirm for the reasons stated in the opinion of the district court. 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