

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6276

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

YARI CALE LEAKE,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. W. Earl Britt, Senior District Judge. (CR-03-4)

Submitted: April 29, 2004

Decided: May 6, 2004

Before LUTTIG, WILLIAMS, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Yari Cale Leake, Appellant Pro Se. Kimberly Ann Moore, 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Unpublished opinions are not binding precedent in this circuit.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:

Yari Cale Leake appeals the district court's order denying his motion to reconsider, under Fed. R. Civ. P. 59(e), his prior criminal judgment. Because Leake cannot challenge an order in his criminal case using the Federal Rules of Civil Procedure, we affirm. See United States v. O'Keefe, 169 F.3d 281, 289 (5th Cir. 1999) (holding that criminal defendant cannot challenge orders entered in his criminal case using Fed. R. Civ. P. 60(b)); United States v. Mosavi, 138 F.3d 1365, 1366 (11th Cir. 1998) (holding that a defendant cannot challenge criminal forfeiture orders under the Federal Rules of Civil Procedure). 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