

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7469

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JAMES EDWARD ELLERBE,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (CR-97-100)

Submitted: December 9, 2004

Decided: December 16, 2004

Before NIEMEYER, WILLIAMS, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James Edward Ellerbe, Appellant Pro Se. John Samuel Bowler, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

James Edward Ellerbe appeals the district court's order denying "Defendant's Motion to Withdraw Plea Agreement Motion filed In the Court in the Year of [2000] Construed by this Court as Defendant's 28 U.S.C. 2255." We have reviewed the record and find no reversible error. Accordingly, we affirm. 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