

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-6291

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ALTON LEE SIMPSON,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:99-cr-00127-BO-3)

Submitted: September 22, 2006

Decided: October 13, 2006

Before TRAXLER, KING, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Alton Lee Simpson, Appellant Pro Se. Frank DeArmon Whitney, United States Attorney, Steve R. Matheny, 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Unpublished opinions are not binding precedent in this circuit.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:

Alton Lee Simpson appeals the district court's orders denying his motion claiming the court improperly delegated authority to the Bureau of Prisons to set a payment schedule pursuant to the Inmate Financial Responsibility Program for repaying restitution and denying his motion for reconsideration. We have reviewed the district court's orders and the record and affirm for the reasons stated by the district court. See United States v. Simpson, No. 5:99-cr-00127-BO-3 (E.D.N.C. Nov. 4, 2005; Jan. 31, 2006). Rule 36 of the Federal Rules of Criminal Procedure does not entitle Simpson to relief as there was no clerical error. Relief was not available to Simpson in a motion for reconsideration or by filing a 28 U.S.C. § 2255 (2000) motion. 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