

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4357

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JONATHAN GIANNONE,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Cameron McGowan Currie, District Judge. (3:06-cr-01011-CMC-1)

Submitted: May 13, 2008

Decided: June 2, 2008

Before WILKINSON, TRAXLER, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Jonathan Giannone, Appellant Pro Se. Dean Arthur Eichelberger, OFFICE OF THE UNITED STATES ATTORNEY, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jonathan Giannone appeals the district court's oral order denying his motion for bail pending appeal. We have reviewed the record and find that Giannone failed to show that his appeal will raise a substantial question of law or fact likely to result in either reversal, an order for a new trial, a sentence that does not include a term of imprisonment, or a reduced sentence to a term of imprisonment less than the total of time already served plus the expected duration of the appeal process. See 18 U.S.C. § 3143(b)(1)(B); United States v. Steinhorn, 927 F.2d 195, 196 (4th Cir. 1991). Accordingly, we affirm.* We also deny his motion for appointment of counsel, and 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

*Because Giannone's direct appeal is not yet ripe, our affirmance of the district court's denial of Giannone's motion for bail pending appeal should not be construed as forecasting our disposition of the direct appeal.