

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6966

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HERBERT COUNCIL,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Graham C. Mullen, Senior District Judge. (3:92-cr-00097-GCM-20)

Submitted: November 20, 2008

Decided: November 26, 2008

Before MOTZ and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Herbert Council, Appellant Pro Se. Kenneth Michel Smith, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Herbert Council appeals the district court's orders denying relief on his 28 U.S.C. § 1651(a) (2000) petition and denying his motion for reconsideration. Our review of the record discloses no reversible error. Accordingly, we affirm. We deny Council's 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. In light of this disposition, we deny as moot Council's motion for emergency summary disposition by a single judge.

AFFIRMED