

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-8173**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KENNETH JUNIOR SMITH, a/k/a Kenny Smith,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Spartanburg. Henry M. Herlong, Jr., Senior District Judge. (7:98-cr-01169-HMH-1)

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Submitted: February 25, 2010

Decided: March 5, 2010

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Before DUNCAN and AGEE, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Kenneth Junior Smith, Appellant Pro Se. Elizabeth Jean Howard, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kenneth Junior Smith appeals from the district court's order denying his motion for a Writ of Audita Querela pursuant to the All Writs Act 28 U.S.C. § 1951 (2006). 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