

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6269

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID WAYNE SMITH, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. James C. Turk, Senior
District Judge. (7:07-cr-00070-jct-1)

Submitted: May 20, 2010

Decided: May 28, 2010

Before WILKINSON, NIEMEYER, and DAVIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

David Wayne Smith, Jr., Appellant Pro Se. Ronald Andrew
Bassford, Assistant United States Attorney, Roanoke, Virginia,
for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Wayne Smith, Jr., appeals the district court's order denying his motion for specific performance and a sentence reduction under Fed. R. Crim. P. 35(b). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Smith, No. 7:07-cr-00070-jct-1 (W.D. Va. Jan. 20, 2010). We deny Smith's motion for transcripts at Government expense. 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