

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6612

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

NORMAN TYRONE DAIS,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. Terry L. Wooten, District Judge. (4:03-cv-00386-TLW-1)

Submitted: July 22, 2010

Decided: August 3, 2010

Before NIEMEYER, GREGORY, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Norman Tyrone Dais, Appellant Pro Se. Rose Mary Sheppard Parham, Assistant United States Attorney, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Norman Tyrone Dais appeals the district court's order denying his Fed. R. Civ. P. 60(b)(3) motion based on allegations of fraud, misrepresentation and misconduct. We have reviewed the record and find Dais did not establish misconduct by clear and convincing evidence or show that he was prevented from presenting his case. See Schultz v. Butcher, 24 F.3d 626, 630 (4th Cir. 1994). Accordingly, we find the court did not abuse its discretion denying the motion. Id. We affirm the court's order. 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