

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-4464

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SEAN RONDELL BUNDY, a/k/a Bun Rock, a/k/a Humps,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. William D. Quarles, Jr., District Judge. (1:08-cr-00226-WDQ-1)

Submitted: August 30, 2012

Decided: September 11, 2012

Before GREGORY, AGEE, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Michael D. Montemarano, MICHAEL D. MONTEMARANO, P.A., Elkridge, Maryland, for Appellant. Rod J. Rosenstein, United States Attorney, Robert R. Harding, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sean Rondell Bundy appeals the district court's orders entering a money judgment against him and forfeiting certain property as substitute assets of a narcotics offense of which he was convicted and sentenced. Bundy also appeals the district court's denial, on jurisdictional grounds, of a motion to vacate the forfeiture orders, which Bundy filed after his case was already on appeal in this court. We have thoroughly reviewed the record, and we affirm the district court in each respect.

Bundy attacks the forfeiture orders entered in his criminal case on the ground that he was improperly denied a hearing prior to their entry. Our review of the record, however, persuades us that he is incorrect. Despite Bundy's claims otherwise, the versions of Fed. R. Crim. P. 32.2 in effect when Bundy pled guilty and was sentenced direct that a defendant must contest forfeiture in order to receive a hearing on the matter. The record plainly demonstrates Bundy's failure to do so at any stage in the proceedings before the district court. On these facts, we review Bundy's assertions only for plain error. See United States v. Olano, 507 U.S. 725, 732 (1993). We are convinced that the record fails to demonstrate

any such error, notwithstanding Bundy's arguments to the contrary.* Id.

We likewise find no merit in Bundy's arguments that the district court erred in denying his motion to vacate the forfeiture orders. Bundy filed the motion only after he had already filed a notice of appeal expressing his intent to appeal the forfeiture orders. As the district court properly observed, the filing of a notice of appeal generally "'confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.'" Levin v. Alms & Assocs., Inc., 634 F.3d 260, 263 (4th Cir. 2011) (quoting Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58 (1982)). Bundy has identified no reason to diverge from the general rule here, and we decline to do so.

Accordingly, we affirm the judgment of the district court. We deny Bundy's motion to file a pro se supplemental brief. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials

* To the extent the Government maintains that Bundy waived review of the forfeiture orders by virtue of his failure to contest them, we decline to address the argument, given that Bundy's assertions must fail even under plain error review.

before the court and argument would not aid the decisional process.

AFFIRMED