

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6892

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHARLES W. PENLAND,

Defendant - Appellant,

and

MARY PENLAND,

Petitioner,

326 HANSA LANE GREER SC; 4318 EAST NORTH STREET; KENNETH C.
ANTHONY, JR.,

Parties-in-Interest,

JERRY SAAD,

Receiver.

Appeal from the United States District Court for the District of
South Carolina, at Spartanburg. Henry F. Floyd, District Judge.
(7:05-cr-00710-HFF-1)

Submitted: January 31, 2012

Decided: February 2, 2012

Before NIEMEYER, KING, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Charles W. Penland, Sr., Appellant Pro Se. Deborah Brereton
Barbier, Assistant United States Attorney, Columbia, South
Carolina, Alan Lance Crick, Assistant United States Attorney,
Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charles W. Penland, Sr., appeals the district court's text order denying Penland's motion to vacate the term of supervised release imposed in his criminal judgment. Penland's motion was filed in January 2011, more than four years after entry of his criminal judgment, which Penland has previously appealed. See United States v. Penland, Nos. 06-5044/07-4201, 2007 WL 2985299 (4th Cir. Oct. 15, 2007) (unpublished) (affirming judgment in part and dismissing in part, based on appellate waiver).

Because the relief Penland sought was simply unavailable by way of the instant motion, we discern no error in the district court's summary dismissal of the motion. Accordingly, we affirm. Further, we deny as moot the pending motion to supplement the record on appeal. 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