

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-7189**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTONE HENRY POINDEXTER,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, Senior District Judge. (3:97-cr-00079-JCC-1; 3:11-cv-00175-REP)

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Submitted: February 23, 2012

Decided: February 27, 2012

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Before MOTZ, DAVIS, and DIAZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Antone Henry Poindexter, Appellant Pro Se. Stephen Wiley Miller, Stephen David Schiller, Assistant United States Attorneys, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Antone Henry Poindexter appeals the district court's order addressing Poindexter's December 1, 2010, letter. In its order, the district court declined to resentence Poindexter but it did order the Probation Office to amend Poindexter's presentence report to account for the fact that a prior New Jersey conviction had been vacated. We have reviewed the record and find no reversible error. Accordingly, we deny Poindexter's motion for appointment of counsel and affirm for the reasons stated by the district court. United States v. Poindexter, Nos. 3:97-cr-00079-JCC-1; 3:11-cv-00175-REP (E.D. Va. Aug. 22, 2011). 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