

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7128

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DARYL W. SMITH, a/k/a D-Nice,

Defendant - Appellant.

Appeal from the United States District Court for the Northern
District of West Virginia, at Clarksburg. Frederick P. Stamp,
Jr., Senior District Judge. (1:03-cr-00039-FPS-9)

Submitted: September 11, 2012 Decided: September 14, 2012

Before NIEMEYER, SHEDD, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Daryl W. Smith, Appellant Pro Se. John Castle Parr, Assistant
United States Attorney, Wheeling, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Daryl W. Smith appeals the district court's order denying his motion pursuant to Fed. R. Crim. P. 36 to correct an alleged clerical error in his amended judgment. 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. 1:03-cr-00039-FPS-9 (N.D.W. Va. June 22, 2012). 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