

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-8071

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DONALD ALFRED DUNCAN,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Frank D. Whitney, District Judge. (3:06-cr-00373-FDW-DCK-1)

Submitted: February 21, 2013

Decided: February 26, 2013

Before AGEE and DAVIS, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Donald Alfred Duncan, Appellant Pro Se. Benjamin Bain-Creed, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina; Victor Frank DeFrancis, FEDERAL TRADE COMMISSION, Washington, D.C.; Patrick M. Donley, Senior Litigation Counsel, Peter B. Loewenberg, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Donald Duncan appeals the district court's order denying his motion to reduce the mandatory restitution owed to victims of Duncan's fraudulent telemarketing sweepstakes scheme. On appeal, Duncan contends that the district court erred because it did not reduce the amount of mandatory restitution by an unspecified amount of assets forfeited by Duncan's co-defendants. We find that the district court did not err because a district court lacks discretion to reduce a mandatory restitution order by the amount of any forfeiture. United States v. Alalade, 204 F.3d 536, 540-41 (4th Cir. 2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED