

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 96-7387**

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UNITED STATES OF AMERICA,

Defendant - Appellee,

versus

CHARLES PAUL JOHNSON,

Plaintiff - Appellant.

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Appeal from the United States District Court for the Southern District of West Virginia, at Parkersburg. Charles H. Haden II, Chief District Judge. (CA-96-477-6, CR-88-266)

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Submitted: January 9, 1997

Decided: January 23, 1997

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Before HALL and MICHAEL, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Charles Paul Johnson, Appellant Pro Se. Rebecca A. Betts, United States Attorney, Charleston, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant appeals the district court's order denying his motion under former FED. R. CRIM. P. 35(a). We have reviewed the record and the district court's opinion accepting the recommendation of the magistrate judge and find no reversible error. Accordingly, we affirm on the reasoning of the district court. Johnson v. United States, Nos. CA-96-477-6; CR-88-266 (S.D.W. Va. Aug. 16, 1996). 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