

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7196

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

AARON BROCKINGTON,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, District Judge. (CR-90-100, CA-96-5-3)

Submitted: January 30, 1998

Decided: February 18, 1998

Before HALL, MURNAGHAN, and NIEMEYER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Aaron Brockington, Appellant Pro Se. Wade A. Kizer, Special Assistant United States Attorney, Howard Crawford Vick, Jr., OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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 Fed. R. Civ. P. 60(b) motion for reconsideration. We have reviewed the record and the district court's opinion and find no reversible error. Although the district court had jurisdiction to consider Appellant's motion, see Standard Oil Co. v. United States, 429 U.S. 17, 18 (1976), we agree that the motion was untimely under Rule 60(b)(1) and did not present a claim cognizable under Rule 60(b)(6). Accordingly, we affirm substantially on the reasoning of the district court. United States v. Brockington, Nos. CR-90-100; CA-96-5-3 (E.D. Va. June 13, 1997). 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