

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-4793**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JAMES GORMLEY,

Defendant - Appellant.

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Appeal from the United States District Court for the Southern District of West Virginia, at Huntington. Robert C. Chambers, District Judge. (CR-98-152)

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Submitted: March 30, 1999

Decided: April 13, 1999

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Before MURNAGHAN and MOTZ, Circuit Judges, and BUTZNER, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Wilmer Parker, III, Robert P. Marcovitch, KILPATRICK STOCKTON, L.L.P., Atlanta, Georgia; S. Benjamin Bryant, ALLEN, GUTHRIE & MCHUGH, Charleston, West Virginia, for Appellant. Rebecca A. Betts, United States Attorney, John J. Frail, Assistant 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Unpublished opinions are not binding precedent in this circuit.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:

James Gormley appeals from the district court's order denying his motion to vacate the ex parte order restraining all of Gormley's assets except ordinary and reasonable living expenses, pending the outcome of his trial on charges of conspiracy to commit wire and securities fraud and to obstruct justice, wire fraud; perjury; money laundering; and conspiracy to engage in money laundering. Gormley challenges the order on the basis that the indictment fails to allege that he possessed or exercised dominion and control over the suspect funds and therefore fails to show that the assets sought to be restrained are forfeitable. He also contends that the district court erred in finding that he could be held jointly and severally liable for any forfeitable assets possessed by his codefendants. We have reviewed the record and the arguments raised by counsel and find no reversible error. Accordingly, we affirm. See United States v. McHan, 101 F.3d 1027, 1043 (4th Cir. 1996), cert. denied, 520 U.S. 1281 (1997); United States v. Hurley, 63 F.3d 1, 22 (1st Cir. 1995). 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