

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-6148

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CYRUS JONATHAN GEORGE,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Elkins. Robert Earl Maxwell, Senior District Judge. (CR-90-78)

Submitted: April 28, 1998

Decided: June 23, 1998

Before WILKINS and WILLIAMS, Circuit Judges, and HALL, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Cyrus Jonathan George, Appellant Pro Se. William David Wilmoth, United States Attorney, Wheeling, West 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Unpublished opinions are not binding precedent in this circuit.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 orders denying his petition for a writ of audita querela and denying his motion to suspend judgment. See United States v. George, No. CR-90-78 (N.D.W. Va. Jan. 13 & 20, 1998). A writ of audita querela is available where there is a legal objection to a conviction that cannot be addressed pursuant to other post conviction remedies. See United States v. Holder, 936 F.2d 1, 2-5 (1st Cir. 1991). Because Appellant's claims can be addressed under 28 U.S.C.A. §§ 2244(b)(3)(A), 2255 (West 1994 & Supp. 1998), we find that the district court did not err in denying Appellant's requested relief. 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