

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-6810**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

LARRY JENKINS,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Columbia. Joseph F. Anderson, Jr., District Judge. (CR-96-358)

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Submitted: December 17, 1998

Decided: January 5, 1999

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Before WILKINS, NIEMEYER, and TRAXLER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Larry Jenkins, Appellant Pro Se. Scarlett Anne Wilson, OFFICE OF THE UNITED STATES ATTORNEY, Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Larry Jenkins appeals the district court's order denying his motion filed after sentencing seeking to withdraw his guilty plea. We have reviewed the record and the district court's opinion and find no reversible error. Federal Rule of Criminal Procedure 32(e) plainly states that after a defendant has been sentenced "his plea may be set aside only on direct appeal or by motion under 28 U.S.C. § 2255." We therefore deny the government's motion to dismiss and affirm on the reasoning of the district court. United States v. Jenkins, No. CR-96-358 (D.S.C. May 18, 1998). 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