

Case vacated and remanded by
Supreme Court order filed 2/23/01

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-4559

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WILFREDO GONZALEZ LORA,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (CR-98-358-A)

Submitted: March 9, 2000

Decided: March 15, 2000

Before WILKINS, TRAXLER, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Edward Blair Brown, Alexandria, Virginia, for Appellant. Thomas More Hollenhorst, Assistant United States Attorney, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Wilfredo Gonzalez Lora appeals the district court's order denying his motion for a new trial based upon newly discovered evidence under Fed. R. Crim. P. 33. We have reviewed the record and the district court's order and agree with the district court that the evidence in question was not newly discovered. Accordingly, we affirm the district court's order denying Lora's motion. See United States v. Lora, No. CR-98-358-A (E.D. Va. July 28, 1999). 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