

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-4816

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOHN R. ATHERTON,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Raymond A. Jackson, District Judge. (CR-99-59)

Submitted: May 10, 2000

Decided: September 12, 2000

Before NIEMEYER, MOTZ, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Leon S. Demsky, PELTON, BALLAND, YOUNG, DEMSKY, BASKIN & O'MALIE, P.C., Arlington, Virginia, for Appellant. Helen F. Fahey, United States Attorney, Robert J. Krask, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant John Atherton appeals his thirty-month sentence imposed following his guilty plea to two counts of bank fraud. He asserts that the sentencing court erred in denying him a decrease in offense level for acceptance of responsibility under U.S. Sentencing Guidelines Manual ("USSG") § 3E1.1 (1998); that the court improperly determined the amount of loss based upon "relevant conduct" under USSG §§ 1B1.3, 2F1.1; and that the court erred in concluding he abused a position of private trust in regard to silent partners in his business under USSG § 3B1.3. We have reviewed the materials submitted by the parties on appeal and find no error in Atherton's sentencing. We therefore affirm his sentence based upon the reasoning stated by the district court at Atherton's sentencing hearing. 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