

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-6530

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

EDWARD CANADA,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Greenville. G. Ross Anderson, Jr., District Judge. (CR-96-780)

Submitted: August 19, 1999

Decided: August 25, 1999

Before WIDENER and KING, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Beattie B. Ashmore, ASHMORE & YARBOROUGH, P.A., Greenville, South Carolina, for Appellant. J. Rene Josey, United States Attorney, E. Jean Howard, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Edward Canada appeals the district court's order denying his motion for rule to show cause why the Government did not file a Fed. R. Crim. P. 35 motion. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See United States v. Canada, No. CR-96-780 (D.S.C. Mar. 31, 1999). We deny the Government's motion to dismiss the appeal. 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