

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-7079

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DERRICK ANTHONY JOHNSON,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Charlottesville. Samuel G. Wilson, Chief District Judge. (CR-95-17)

Submitted: December 16, 1999

Decided: December 29, 1999

Before MURNAGHAN and MOTZ, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Derrick Anthony Johnson, Appellant Pro Se. Ray B. Fitzgerald, Jr., OFFICE OF THE UNITED STATES ATTORNEY, Charlottesville, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Derrick Anthony Johnson 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 opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See United States v. Johnson, No. CR-95-17 (W.D. Va. July 15, 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