

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-6092**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ORVILLE ISAAC WRIGHT,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (CR-95-76-BR)

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Submitted: April 25, 2000

Decided: May 12, 2000

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Before MURNAGHAN and WILKINS, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Orville Isaac Wright, Appellant Pro Se. Christine Witcover Dean, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Orville Isaac Wright appeals from the denial of his motion for a new trial based on newly discovered evidence. The district court denied this motion because it was filed beyond the three-year limit prescribed by Fed. R. Crim. P. 33. Wright asserts that the district court erred in calculating the deadline based on the date of the jury's verdict, rather than the date when he completed appellate review. Contrary to Wright's assertions, however, Rule 33 provides that the three-year limitations period runs from "the verdict or finding of guilt." Accordingly, we affirm the district court's ruling that Wright's motion was untimely. We deny Wright's motion for appointment of counsel. 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