

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6948

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DARRIUS LAMONT WALKER,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Richard L. Voorhees, District Judge. (CR-95-5)

Submitted: September 6, 2001 Decided: September 14, 2001

Before WIDENER, WILLIAMS, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Darrius Lamont Walker, Appellant Pro Se. Gretchen C.F. Shappert, Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Darrius Lamont Walker appeals from the district court's orders denying his motion to dismiss his indictment under Federal rule of Criminal Procedure 12(b)(2), and denying his request for reconsideration. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm substantially on the reasoning of the district court.* See United States v. Walker, No. CR-95-5 (W.D.N.C. May 25, 2001; Apr. 27, 2001). 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

* We also note that Walker's motion was not a proper vehicle for relief in this case, as it was filed years after his conviction became final, and the applicable rule provides that such motion must be filed prior to trial. Fed. R. Crim. P. 12(b).