

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i>
v.
JOHN C. MARDALL, <i>Defendant-Appellant.</i>

No. 02-4475

Appeal from the United States District Court
for the District of Maryland, at Baltimore.
Marvin J. Garbis, District Judge.
(CR-00-212-MJG)

Submitted: March 31, 2003

Decided: April 15, 2003

Before WILKINSON, TRAXLER, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Charles G. Bernstein, BERNSTEIN & SAKELLARIS, Baltimore, Maryland, for Appellant. Thomas M. DiBiagio, United States Attorney, Tamera L. Fine, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

John Mardall appeals from his conviction, pursuant to his guilty plea, for bankruptcy fraud, in violation of 18 U.S.C. § 152(7) (2000). Finding no reversible error, we affirm.

On appeal, Mardall first contends his guilty plea was neither knowing nor voluntary. Because Mardall did not timely move to withdraw his guilty plea in the district court, this court reviews the Fed. R. Crim. P. 11 proceeding for plain error. *See United States v. Martinez*, 277 F.3d 517, 527 (4th Cir.), *cert. denied*, ___ U.S. ___, 123 S. Ct. 200 (2002). An appropriately conducted Rule 11 proceeding raises a strong presumption that the plea is final and binding. *United States v. Puckett*, 61 F.3d 1092, 1099 (4th Cir. 1995). We conclude from the materials before us on appeal that the Rule 11 hearing was adequate, and the district court did not err in accepting Mardall's guilty plea. *See United States v. DeFusco*, 949 F.2d 114, 117, 120 (4th Cir. 1991).

Mardall next contends the district court was overly active in his case, in essence usurping the role of the prosecutor. We find no such impropriety.

Finally, Mardall contends his prosecution was barred by the statute of limitations. We find no merit in this contention.

Accordingly, we affirm Mardall's conviction. We deny Mardall's motion to strike a portion of the Government's brief. 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