

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 05-4390**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

LORENZO GRODE MARTIN,

Defendant - Appellant.

---

Appeal from the United States District Court for the Western District of Virginia, at Big Stone Gap. Pamela Meade Sargent, Magistrate Judge. (CR-02-2)

---

Submitted: September 19, 2005

Decided: October 20, 2005

---

Before NIEMEYER, WILLIAMS, and GREGORY, Circuit Judges.

---

Affirmed by unpublished per curiam opinion.

---

Lorenzo Grode Martin, Appellant Pro Se. Thomas Linn Eckert, Assistant United States Attorney, Roanoke, Virginia, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Lorenzo Grode Martin was convicted of criminal contempt under 18 U.S.C.A. § 401(3) (West Supp. 2005), for violating a preliminary injunction issued in a separate civil action. Martin appeals, contending that his conviction is invalid because the preliminary injunction subsequently was vacated for failure to comply with Rule 65(a)(1) of the Federal Rules of Civil Procedure. However, absent circumstances not present in this case, the invalidity of a permanent injunction is not a legitimate defense to criminal contempt for violating the order imposing the injunction. Walker v. City of Birmingham, 388 U.S. 307, 315 (1967); United States v. United Mineworkers of Am., 330 U.S. 258, 293-94 (1947); United States v. Emerson, 270 F.3d 203, 213 (5th Cir. 2003). Accordingly, we affirm Martin's conviction. 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