

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-8090**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CLEVELAND WINSTON KILGORE, JR., a/k/a Poochie,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T.S. Ellis, III, Senior District Judge. (1:01-cr-00123-TSE-1; 1:09-cv-01086-TSE)

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Submitted: January 19, 2010

Decided: January 28, 2010

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Before NIEMEYER, KING, and DAVIS, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Cleveland Winston Kilgore, Jr., Appellant Pro Se. Thomas Higgins McQuillan, Assistant United States Attorney, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Cleveland Winston Kilgore, Jr., appeals the district court's order denying relief on his "Motion to Vacate and Set Aside Judgment Order Conviction and Sentence," construed as a petition for a writ of error coram nobis. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Kilgore, Nos. 1:01-cr-00123-TSE-1, 1:09-cv-01076-TSE (E.D. Va. filed Oct. 28, 2009; entered Oct. 29, 2009). 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