

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-6038**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALEXANDER SHERMAN MCKENZIE,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Martin K. Reidinger, District Judge. (1:97-cr-00203-MR-1)

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Submitted: February 25, 2010

Decided: March 5, 2010

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Before DUNCAN and AGEE, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Alexander Sherman McKenzie, Appellant Pro Se. Thomas Richard Ascik, Assistant United States Attorney, Asheville, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Alexander Sherman McKenzie appeals the district court's order denying his motion for relief from his criminal judgment, his motion for appointment of counsel, and his 18 U.S.C. § 3582(c)(2) (2006) motion to modify term of imprisonment. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. McKenzie, No. 1:97-cr-00203-MR-1 (W.D.N.C. Dec. 10, 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