

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-6680**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOHN FITZGERALD PRESCOTT,

Defendant - Appellant.

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Appeal from the United States District Court for the District of Maryland, at Greenbelt. Peter J. Messitte, District Judge. (CR-95-323-PJM)

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Submitted: January 22, 1998

Decided: February 3, 1998

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Before WIDENER, MICHAEL, and MOTZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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John Fitzgerald Prescott, Appellant Pro Se. Lynne Ann Battaglia, United States Attorney, Andrew Clayton White, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland; Steven Michael Dettelbach, OFFICE OF THE UNITED STATES ATTORNEY, Greenbelt, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals the district court's order denying his motion for a new trial based on his allegations of newly discovered evidence, the prosecutor's knowing use of perjured testimony, and the government's violation of the disclosure requirements of Brady v. Maryland, 373 U.S. 83 (1963), and the Jencks Act, 18 U.S.C. § 3500 (1994). We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. United States v. Prescott, No. CR-95-323-PJM (D. Md. Apr. 2, 1997). 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