

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-6589

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CYRUS JONATHAN GEORGE,

Defendant - Appellant.

Appeal from the United States District Court for the Northern
District of West Virginia, at Elkins. Robert Earl Maxwell, Senior
District Judge. (CR-90-78)

Submitted: July 22, 1998

Decided: August 10, 1998

Before ERVIN, MICHAEL, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Cyrus Jonathan George, Appellant Pro Se. William David Wilmoth,
United States Attorney, Wheeling, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Cyrus Jonathan George appeals the district court's order denying his petition for a writ of audita querela. See United States v. George, No. CR-90-78 (N.D.W. Va. Apr. 16, 1998). A writ of audita querela is available where there is a legal objection to a conviction that cannot be addressed in another form of post conviction remedy. See United States v. Holder, 936 F.2d 1, 5 (1st Cir. 1991). Because George's claims can be addressed under 28 U.S.C.A. § 2244(b)(3)(A) (West Supp. 1998), we find that the district court did not err in denying the writ. 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