

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-7158**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ANTONIO FRANKLIN CUNNINGHAM,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Robert D. Potter, Senior District Judge. (CR-90-85-P)

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Submitted: January 21, 1999

Decided: February 9, 1999

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Before LUTTIG, MOTZ, and KING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Antonio Franklin Cunningham, Appellant Pro Se. Robert James Conrad, Jr., Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Antonio Franklin Cunningham appeals the district court's order denying his motion to modify his sentence. 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. See United States v. Cunningham, No. CR-90-85-P (W.D.N.C. June 29, 1998). We deny Appellant's motion for appointment of counsel and 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