

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-6768

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MATTHEW S. NEWKIRK,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at
Richmond. Robert E. Payne, Senior District Judge. (3:18-cr-00045-REP-1)

Submitted: July 20, 2021

Decided: July 22, 2021

Before WILKINSON, AGEE, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Matthew S. Newkirk, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Matthew S. Newkirk appeals the district court's order denying Newkirk's 18 U.S.C. § 3583(e) motion to modify the special conditions of his supervised release. To the extent Newkirk "belatedly rais[ed] challenges to the original conditions of supervised release that were available at the time of his initial sentencing," we recently made clear that "[a]n individual may not use § 3583(e)(2) as a substitute for an appeal." *United States v. McLeod*, 972 F.3d 637, 643-44 (4th Cir. 2020). To the extent Newkirk relied on facts that did not exist when he was sentenced, we have reviewed the record and find no reversible error. We therefore affirm the district court's order. *See United States v. Newkirk*, No. 3:18-cr-00045-REP-1 (E.D. Va. May 8, 2020). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED