

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-8130**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GREGORY A. MILTON,

Defendant - Appellant.

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Appeal from the United States District Court for the Western  
District of Virginia, at Harrisonburg. Samuel G. Wilson,  
District Judge. (5:95-cr-70074-sgw-1)

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Submitted: February 18, 2010

Decided: February 26, 2010

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Before WILKINSON, MICHAEL, and KING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Gregory A. Milton, Appellant Pro Se. Anthony Paul Giorno,  
Assistant United States Attorney, Roanoke, Virginia, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gregory A. Milton appeals the district court's order dismissing as frivolous his petition for a writ of audita querela. We have reviewed the record and find no reversible error. Accordingly we affirm for the reasons stated by the district court. United States v. Milton, No. 5:95-cr-70074-sgw-1 (W.D. Va. Nov. 9, 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