

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:08-cr-00016-MR

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
vs.) ORDER
)
)
MATTHEW JAMES DURY,)
)
)
Defendant.)
)

THIS MATTER is before the Court upon the Defendant's "Motion to Stop This Court from Ordering Petitioner to Violate Federal Law" [Docs. 204, 205].¹

In the present motion, the Defendant again asserts that he is not actually a United States citizen and that requiring him to be on U.S. soil upon his release from prison will violate federal law. [Docs. 204, 205]. The Defendant's "motion" is frivolous and legally baseless and is therefore denied.

¹ Documents 204 and 205 are virtually identical to one another and therefore will be treated as the same motion.

IT IS, THEREFORE, ORDERED that the Defendant's "Motion to Stop This Court from Ordering Petitioner to Violate Federal Law" [Docs. 204, 205] is **DENIED**.

IT IS SO ORDERED.

Signed: October 26, 2021



Martin Reidinger
Chief United States District Judge



FILED: September 23, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-7616
(1:08-cr-00016-MR-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

MATTHEW JAMES DURY

Defendant - Appellant

JUDGMENT

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 21-7616

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MATTHEW JAMES DURY,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Martin K. Reidinger, Chief District Judge. (1:08-cr-00016-MR-1)

Submitted: July 28, 2022

Decided: September 23, 2022

Before WYNN and RICHARDSON, Circuit Judges, and KEENAN, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Matthew James Dury, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Matthew James Dury appeals the district court's order denying his postjudgment motion. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *United States v. Dury*, No. 1:08-cr-00016-MR-1 (W.D.N.C. Oct. 26, 2021). 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

APPENDIX I

FILED: November 7, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-7616
(1:08-cr-00016-MR-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

MATTHEW JAMES DURY

Defendant - Appellant

O R D E R

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Wynn, Judge Richardson, and Senior Judge Keenan.

For the Court

/s/ Patricia S. Connor, Clerk