

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 09-2504

United States of America,

Appellee,

v.

Fontaine Demmond Sherman,

Appellant.

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Appeal from the United States
District Court for the Eastern
District of Arkansas.

[UNPUBLISHED]

Submitted: February 18, 2010

Filed: February 23, 2010

Before WOLLMAN, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Fontaine Demmond Sherman appeals the district court's¹ denial of his Federal Rule of Criminal Procedure 33 motions for a new trial based on newly discovered evidence. We affirm for the reasons stated by the district court. See 8th Cir. R. 47B.

¹The Honorable Susan Webber Wright, United States District Judge for the Eastern District of Arkansas.