

UNPUBLISHED
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i> v. STEWART L. CLOER, <i>Defendant-Appellant.</i>

No. 00-4490

Appeal from the United States District Court
for the Western District of North Carolina, at Statesville.
Richard L. Voorhees, District Judge.
(CR-99-1-1)

Submitted: June 15, 2001

Decided: July 10, 2001

Before NIEMEYER, WILLIAMS, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Stewart L. Cloer, Appellant Pro Se. Brian Lee Whisler, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Stewart L. Cloer appeals from his guilty plea conviction to three counts of falsely making and subscribing a tax return under penalty of perjury. We deny Cloer's claims on appeal for the reasons that follow.

First, we do not find that the district court abused its discretion in denying his motion to withdraw his guilty plea. *United States v. Uba-kanma*, 215 F.3d 421, 424 (4th Cir. 2000). Second, we do not address Cloer's claims that the district court committed sentencing errors as he waived his right to appeal these issues in a valid plea agreement, which was reviewed by the district court in a proper Fed. R. Crim. P. 11 hearing. *United States v. Broughton-Jones*, 71 F.3d 1143, 1146 (4th Cir. 1995); *United States v. Wessells*, 936 F.2d 165, 167-68 (4th Cir. 1991). Next, we do not find that the district court committed clear error by denying his numerous claims of prosecutorial misconduct. *United States v. Ellis*, 121 F.3d 908, 927 (4th Cir. 1997). Finally, we decline to review Cloer's claims of ineffective assistance of trial counsel on direct appeal because the record does not "conclusively" demonstrate that he received such defective counsel. *United States v. Richardson*, 195 F.3d 192, 198 (4th Cir. 1999), *cert. denied*, 528 U.S. 1096 (2000).

We deny Cloer's pending motions for release (bail) and to "Vacate Order of the Clerk and for Immediate Release." We also deny his motion for oral argument as the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED