

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-6328

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ROBERT DALE SHEPARD,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Huntington. Robert J. Staker, Senior District Judge. (CR-94-48, CA-97-845-3)

Submitted: August 31, 2000

Decided: September 14, 2000

Before MICHAEL and MOTZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Robert Dale Shepard, Appellant Pro Se. Sharon Mullen Frazier, OFFICE OF THE UNITED STATES ATTORNEY, Huntington, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Robert Dale Shepard seeks to appeal the district court's order denying his motion filed under 28 U.S.C.A. § 2255 (West Supp. 2000). We have reviewed the record and the district court's opinion accepting the recommendation of the magistrate judge and find no reversible error. Accordingly, we deny a certificate of appealability, deny Shepard's motion for appointment of counsel, and dismiss the appeal on the reasoning of the district court. See United States v. Shepard, Nos. CR-94-48; CA-97-845-3 (S.D.W. Va. Jan. 7, 2000). 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.

DISMISSED