

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 00-6517**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JAMES EDWARD MATTOX,

Defendant - Appellant.

---

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Samuel G. Wilson, Chief District Judge. (CR-96-76, CA-99-649-7)

---

Submitted: August 22, 2000

Decided: September 18, 2000

---

Before NIEMEYER, MOTZ, and TRAXLER, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

James Edward Mattox, Appellant Pro Se. Joseph William Hooge Mott, Assistant United States Attorney, Roanoke, Virginia, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

James Edward Mattox 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 and find no reversible error. We decline to address Mattox's argument that he should have been granted a reduction in offense level because the issue is raised for the first time on appeal. See Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993). Mattox's argument that his conviction should be vacated under Apprendi v. New Jersey, 530 U.S. \_\_\_, 68 U.S.L.W. 4576 (U.S. June 26, 2000) (No. 99-478) is without merit. See United States v. Aquayo-Delgado, \_\_\_ F.3d \_\_\_, 2000 WL 988128 (8th Cir. July 18, 2000) (No. 00-1218). Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. See United States v. Mattox, Nos. CR-96-76; CA-99-649-7 (W.D. Va. Mar. 17, 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