

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-6696

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

EMMANUEL BANKS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Elizabeth City. W. Earl Britt, Senior District Judge. (CR-96-7-BR, CA-99-72-2-BR)

Submitted: July 27, 2000

Decided: August 7, 2000

Before MURNAGHAN, WILKINS, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Emmanuel Banks, Appellant Pro Se. Fenita Morris Shepard, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Emmanuel Banks 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. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. See United States v. Banks, Nos. CR-96-7-BR; CA-99-72-2-BR (E.D.N.C. Mar. 22, 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

^{*} Although the district court's order is marked as "filed" on March 21, 2000, the district court's records show that it was entered on the docket sheet on March 22, 2000. Pursuant to Rules 58 and 79(a) of the Federal Rules of Civil Procedure, it is the date that the order was entered on the docket sheet that we take as the effective date of the district court's decision. See Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).