

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-6920

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SAMUEL ROBERT QUEEN, JR., a/k/a Fat Sammy,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Walter E. Black, Jr., Senior District Judge. (CR-93-369, CA-97-2980-B)

Submitted: May 17, 2001

Decided: May 22, 2001

Before WIDENER, NIEMEYER, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Samuel Robert Queen, Jr., Appellant Pro Se. Roann Nichols, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland; Barbara Suzanne Skalla, Assistant United States Attorney, Greenbelt, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Samuel Robert Queen, Jr., appeals the district court's orders denying his motion filed under 28 U.S.C.A. § 2255 (West Supp. 2000), and denying his motion for reconsideration. We have reviewed the record and the district court's opinions and find no reversible error. Accordingly, we deny Queen's motion for a certificate of appealability and dismiss the appeal substantially on the reasoning of the district court.* United States v. Queen, Nos. CR-93-369; CA-97-2980-B (D. Md. May 13, 1999 & May 18, 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

* We recently held in United States v. Sanders, ___ F.3d ___, 2001 WL 369719 (4th Cir. Apr. 13, 2001) (No. 00-6281), that the new rule announced in Apprendi v. New Jersey, 530 U.S. 466 (2000), is not retroactively applicable to cases on collateral review. Accordingly, Queen's Apprendi claim is not cognizable.