

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-6938

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DAVID P. BOWMAN,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, District Judge. (CR-88-12-R, CA-97-301-3)

Submitted: November 30, 2000

Decided: December 8, 2000

Before NIEMEYER, LUTTIG, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

David P. Bowman, Appellant Pro Se. N. George Metcalf, Assistant United States Attorney, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

David P. Bowman seeks to appeal 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 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. Bowman, Nos. CR-88-12-R; CA-97-301-3 (E.D. Va. Aug. 31, 1999 & May 5, 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

* Bowman alleges for the first time on appeal that his sentence was illegal under Apprendi v. New Jersey, 120 S. Ct. 2348 (2000). Even if this claim were properly before the court, Bowman was not sentenced above the statutory maximum for the offense of conviction. As a result, the sentence does not implicate the concerns raised in Apprendi. United States v. Angle, ___ F.3d ___, 2000 WL 1515159 (4th Cir. Oct. 12, 2000), petition for rehearing filed, Oct. 26, 2000 (No. 96-4662).