

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-6968

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CLARENCE EDWARD HOGES, II, a/k/a Junior Trent,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Jackson L. Kiser, Senior District Judge. (CR-97-7, CA-00-514-7)

Submitted: September 14, 2000 Decided: September 21, 2000

Before WILLIAMS, MICHAEL, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Clarence Edward Hoges, II, Appellant Pro Se. Donald Ray Wolthuis, OFFICE OF THE UNITED STATES ATTORNEY, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Clarence Hoges 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 substantially on the reasoning of the district court.* See United States v. Hoges, Nos. CR-97-7; CA-00-514-7 (W.D. Va. June 26, 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 stated that judgment was entered on July 18, 1997, judgment actually was entered on December 23, 1997. Any error was harmless because the district court's conclusion that the § 2255 motion was untimely is correct even based on the later date.