

Filed: April 2, 2001

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 00-7370
(CR-97-445, CA-99-920-AM)

United States of America,

Plaintiff - Appellee,

versus

Michael Adrian Thomas,

Defendant - Appellant.

O R D E R

The court amends its opinion filed March 28, 2001, as follows:

On the cover sheet, section 3, line 3 -- the district court numbers are corrected to read "CR-97-445, CA-99-920-AM."

For the Court - By Direction

/s/ Patricia S. Connor
Clerk

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-7370

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MICHAEL ADRIAN THOMAS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Jerome B. Friedman, District Judge. (CR-97-445, CA-99-920-AM)

Submitted: March 22, 2001

Decided: March 28, 2001

Before WILKINS, LUTTIG, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Michael Adrian Thomas, Appellant Pro Se. James L. Trump, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Michael Adrian Thomas appeals from the district court's order denying his 28 U.S.C.A. § 2255 (West Supp. 2000) motion. On appeal, Thomas argues only issues not raised in district court. We decline to consider these claims for the first time on appeal. See First Va. Banks, Inc. v. BP Exploration & Oil Inc., 206 F.3d 404, 407 n.1 (4th Cir. 2000) (declining to consider issues raised for the first time on appeal); Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993) (holding that issues raised for the first time on appeal will not be considered absent exceptional circumstances of plain error or fundamental miscarriage of justice). Therefore, we deny a certificate of appealability and dismiss the appeal. 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