

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-7373**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KIM FREDERICK TAYLOR,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Durham. Frank W. Bullock, Jr., District Judge. (CR-98-208, CA-00-209-1)

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Submitted: January 18, 2001

Decided: January 25, 2001

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Before WIDENER and MICHAEL, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Kim Frederick Taylor, Appellant Pro Se. Robert Albert Jamison Lang, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Kim Frederick Taylor seeks to appeal the district court's order denying his motion filed under 28 U.S.C.A. § 2255 (West Supp. 2000). On appeal, Taylor alleges that the Supreme Court's decision in Apprendi v. New Jersey, 530 U.S. 466, 120 S. Ct. 2348 (2000), renders his guilty plea invalid because he was not informed during the guilty plea inquiry that the prosecution would be required to prove drug quantity beyond a reasonable doubt. We need not address whether Apprendi applies retroactively on collateral review because Taylor's sentence did not exceed the statutory maximum under 21 U.S.C.A. § 841(b)(1)(C) (West 1999), which sets the statutory maximum at twenty years for the smallest amounts of cocaine.

We have reviewed the record and the district court's opinion accepting the recommendation of the magistrate judge and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. United States v. Taylor, Nos. CR-98-208; CA-00-209-1 (M.D.N.C. Aug. 31, 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