

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-7555

BRETT C. KIMBERLIN,

Petitioner - Appellant,

versus

STEPHEN DEWALT, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Rebecca B. Smith, District Judge. (CA-99-979-2)

Submitted: January 5, 2001

Decided: January 18, 2001

Before WILLIAMS and TRAXLER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Brett C. Kimberlin, Appellant Pro Se. George Maralan Kelley, III, OFFICE OF THE UNITED STATES ATTORNEY, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Brett C. Kimberlin appeals the district court's order denying his motion filed under Fed. R. Civ. P. 60(b), in which he sought reconsideration of the court's order denying relief on his 28 U.S.C. § 2241 (1994) petition. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. Kimberlin v. Dewalt, No. CA-99-979-2 (E.D. Va. Oct. 20, 2000). In addition, we decline to consider the claims Kimberlin raises for the first time on appeal. See Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993) (holding that issues raised for first time on appeal generally will not be considered absent exceptional circumstances of plain error or fundamental miscarriage of justice). 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.

AFFIRMED