

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-7562

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JAMES EDWARD SMITH, a/k/a Smitty, a/k/a Dump-
truck Smitty,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern Dis-
trict of Virginia, at Richmond. Richard L. Williams, Senior Dis-
trict Judge. (CR-90-71, CA-00-696-3)

Submitted: January 19, 2001

Decided: April 19, 2001

Before WIDENER, NIEMEYER, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

James Edward Smith, Appellant Pro Se. Sara Elizabeth Flannery,
OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

James Edward Smith seeks to appeal the district court's order denying his motion that it construed as 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 on the reasoning of the district court. United States v. Smith, Nos. CR-90-71; CA-00-696-3 (E.D. Va. Oct. 19, 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