

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

THOMAS JOHN MAJEED, a/k/a Isaac
Abram Abraham,
Defendant-Appellant.

No. 01-4142

Appeal from the United States District Court
for the Middle District of North Carolina, at Durham.
William L. Osteen, District Judge.
(CR-00-204)

Submitted: November 26, 2001

Decided: December 17, 2001

Before WIDENER, MICHAEL, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Thomas John Majeed, Appellant Pro Se. Clifton Thomas Barrett,
Assistant United States Attorney, Greensboro, North Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Thomas John Majeed pled guilty to one count of conspiracy to distribute in excess of fifty grams of crack cocaine. He was sentenced to 292 months' imprisonment. Majeed, proceeding pro se on appeal, claims that: (1) his sentence violates the rule announced in *Apprendi v. New Jersey*, 530 U.S. 466 (2000); (2) defense counsel was ineffective because he had a conflict of interest; and (3) the district court erred by sentencing him as a career offender. Finding no reversible error, we affirm.

We find that the district court's failure to inform Majeed that drug quantity was an element of the offense that had to be proven beyond a reasonable doubt did not seriously affect the fairness, integrity, or public reputation of the proceedings. See *United States v. Perez*, ___ F.3d ___, 2001 WL 1346135 (8th Cir. Oct. 31, 2001); *United States v. Dinnall*, 269 F.3d 418 (4th Cir. 2001).

We further find that Majeed's ineffective assistance of counsel claim is not properly before this court. Such claims should be raised in a 28 U.S.C.A. § 2255 (West Supp. 2001) motion. *United States v. King*, 119 F.3d 290, 295 (4th Cir. 1997). Finally, there is no merit to Majeed's claim that the district court improperly sentenced him as a career offender.

We affirm the conviction and sentence. We deny Majeed's motion for injunctive relief. 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