

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-6026**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ROBERT LEE HARRIS, a/k/a Peejack,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Greenville. James C. Fox, District Judge. (CR-96-35-F, CA-98-179-4-F)

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Submitted: February 22, 2001

Decided: March 1, 2001

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

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Dismissed by unpublished per curiam opinion.

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Robert Lee Harris, Appellant Pro Se. Jerri Ulrica Dunston, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Robert Lee Harris appeals the district court's order denying his motion under 28 U.S.C.A. § 2255 (West Supp. 2000). Although the district court entered judgment on the merits in favor of the Government, we conclude that the motion was not brought within the one-year period specified by § 2255 and, therefore, was untimely. United States v. Torres, 211 F.3d 836, 837 (4th Cir. 2000) (holding that the one-year period commences with this court's mandate when no petition for certiorari is filed). Accordingly, we deny a certificate of appealability and dismiss the appeal on the ground that Harris' § 2255 motion was time-barred. 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