

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6161

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

FRED BULL, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, District Judge. (CR-95-73, CA-00-111)

Submitted: June 29, 2001

Decided: July 19, 2001

Before WIDENER, LUTTIG, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Fred Bull, Jr., Appellant Pro Se. Nicholas Stephan Altimari, 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Unpublished opinions are not binding precedent in this circuit.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:

Fred Bull, Jr., seeks to appeal the district court's order denying his motions filed under 28 U.S.C.A. § 2255 (West Supp. 2000), and Fed. R. Civ. P. 59(e). We have reviewed the record and the district court's opinions and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal substantially on the reasoning of the district court.* United States v. Bull, Nos. CR-95-73; CA-00-111 (E.D. Va. Nov. 14, 2000; filed Dec. 20, 2000 and entered Dec. 21, 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

* Bull's claims based upon the rule announced in Apprendi v. New Jersey, 530 U.S. 466 (2000), are without merit. We recently held in United States v. Sanders, 247 F.3d 139 (4th Cir. 2001), that the new rule announced in Apprendi is not retroactively applicable to cases on collateral review.