

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-6530**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

BRIAN E. COLLINS,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, District Judge. (CR-99-92-H, CA-00-676-5-H)

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Submitted: June 21, 2001

Decided: July 5, 2001

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

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Dismissed by unpublished per curiam opinion.

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Brian E. Collins, Appellant Pro Se. Fenita Morris Shepard, J. Frank Bradsher, 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Unpublished opinions are not binding precedent in this circuit.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:

Brian E. Collins seeks to appeal the district court's order denying his motion 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 substantially on the reasoning of the district court.\* See United States v. Collins, Nos. CR-99-92-H; CA-00-676-5-H (E.D.N.C. filed Feb. 23, 2001; entered Fed. 27, 2001). 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

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\* Collins' claim that his sentence is not proper in light of the rule announced in Apprendi v. New Jersey, 530 U.S. 466 (2000) is 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.