

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6810

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ROHAN ST. JOSEPH KEATING,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Henry C. Morgan, Jr., District Judge. (CR-93-66, CA-00-857-2)

Submitted: September 6, 2001 Decided: September 13, 2001

Before WIDENER, WILLIAMS, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Rohan St. Joseph Keating, Appellant Pro Se. Carol M. Marx, Special Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Rohan St. Joseph Keating seeks to appeal the district court's order denying his motion filed under 28 U.S.C.A. § 2255 (West Supp. 2001). 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. Keating, Nos. CR-93-66; CA-00-857-2 (E.D. Va. Apr. 25, 2001). In addition, we note that Keating's Fed. R. Crim. P. 33 motion for a new trial did not toll the statute of limitations. See United States v. Prescott, 221 F.3d 686 (4th Cir. 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