

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6876

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KHALID LATIF PORTER, a/k/a Khalid Abdulsallam,
a/k/a Khalid Taylor,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Claude M. Hilton, Chief District Judge. (CR-98-222-A, CA-01-601-AM)

Submitted: November 21, 2001

Decided: December 12, 2001

Before WIDENER, WILKINS, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Khalid Latif Porter, Appellant Pro Se. Rebeca Hidalgo Bellows, Assistant United States Attorney, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Khalid Latif Porter seeks to appeal the district court's orders denying his motion filed under 28 U.S.C.A. § 2255 (West Supp. 2001) and denying reconsideration of that order. 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.* United States v. Porter, Nos. CR-98-222-A; CA-01-601-AM (E.D. Va. Feb. 22, 2001; Apr. 10, 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

* We held in United States v. Sanders, 247 F.3d 139 (4th Cir. 2001), that the new rule announced in Apprendi v. New Jersey, 530 U.S. 466 (2000), is not retroactively applicable to cases on collateral review. Accordingly, Porter's Apprendi claim is not cognizable.