

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6910

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KENNETH JAMES HANNAH,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. Cameron McGowan Currie, District Judge. (CR-95-7, CA-99-3792-4-22)

Submitted: October 31, 2001

Decided: November 28, 2001

Before NIEMEYER, LUTTIG, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Kenneth James Hannah, Appellant Pro Se. Alfred William Walker Bethea, Assistant United States Attorney, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Kenneth James Hannah seeks to appeal the district court's orders denying his motion filed under 28 U.S.C.A. § 2255 (West Supp. 2001) and a subsequent motion to alter or amend judgment filed under Federal Rule of Civil Procedure 59(e). We have reviewed the record and the district court's opinion and orders 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. Hannah, Nos. CR-95-7; CA-99-3792-4-22 (D.S.C. Jan. 25, 2001; Apr. 9, 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 recently 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, Appellant's Apprendi claim, raised in his Rule 59(e) motion, is not cognizable.