

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6975

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SCOTT MATTINGLY,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Senior District Judge. (CR-97-241-A, CA-00-80-AM)

Submitted: October 4, 2001

Decided: October 11, 2001

Before NIEMEYER, LUTTIG, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Scott Mattingly, Appellant Pro Se. Gavin Alexander Corn, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Scott Mattingly seeks to appeal the district court's order granting in part and denying in part 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, deny Mattingly's "Notice Motion," and dismiss the appeal substantially on the reasoning of the district court.* United States v. Mattingly, Nos. CR-97-241-A; CA-00-80-AM (E.D. Va. filed Apr. 12, 2001; entered Apr. 13, 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 is not cognizable.