

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7054

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

GERALD SALLEY,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Dennis W. Shedd, District Judge. (CR-95-488, CA-01-2011-3-19)

Submitted: October 18, 2001

Decided: October 29, 2001

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

Dismissed by unpublished per curiam opinion.

Gerald Salley, Appellant Pro Se. Sean Kittrell, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, South Carolina, for Appellee

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Gerald Salley appeals 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. Salley, Nos. CR-95-488; Ca-01-2011-3-19 (June 8, 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

* Although we have not determined when the one-year limitations period of § 2255 begins to run on claims raised under Apprendi v. New Jersey, 530 U.S. 466 (2000), the district court correctly recognized Apprendi may not be applied retroactively to claims raised initially on collateral review. See United States v. Sanders, 247 F.3d 139, 151 (4th Cir. 2001).