

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7095

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CHARLES ANTHONY BENNETT,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Patrick Michael Duffy, District Judge. (CR-98-599, CA-00-704-2)

Submitted: September 20, 2001 Decided: September 27, 2001

Before LUTTIG, KING, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Charles Anthony Bennett, 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Unpublished opinions are not binding precedent in this circuit.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:

Charles Anthony Bennett noticed an appeal of the district court's denial of his motion filed under 28 U.S.C.A. § 2255 (West Supp. 2000), in which he raised claims of double jeopardy and ineffective assistance of counsel relative to his punishment for violations of 18 U.S.C. § 922(j) and 18 U.S.C. § 922(u). Bennett also claimed entitlement to credit at sentencing for time served during pretrial custody. In his informal brief, the sole issue Bennett raises is the propriety of the district court's enhancement of his sentence pursuant to USSG § 2K2.1(b)(5). Because Bennett failed to raise this claim in the district court, we decline to consider it for the first time on appeal. Accordingly, we deny a certificate of appealability and dismiss the appeal. 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