

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7176

CHARLES M. ANDERSON,

Petitioner - Appellant,

versus

JACK LEE, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Albert V. Bryan, Jr., Senior District Judge. (CA-00-827-AM)

Submitted: September 20, 2001

Decided: September 28, 2001

Before LUTTIG, KING, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Charles M. Anderson, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Charles M. Anderson appeals the district court's order construing his motion for a new trial as a successive petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 2001) and denying it without prejudice. 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 on the reasoning of the district court. See Anderson v. Lee, No. CA-00-827-AM (E.D. Va. filed June 25, 2001; entered June 26, 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