

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-7298**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DONALD EUGENE SMITH,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Statesville. Richard L. Voorhees, District Judge. (CR-93-17-V, CA-01-114-2-5-V)

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Submitted: November 29, 2001

Decided: December 10, 2001

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Before WIDENER, NIEMEYER, and WILLIAMS, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Harold Johnson Bender, BENDER & MATUS, Charlotte, North Carolina, for Appellant. Harry Thomas Church, Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Donald Eugene Smith seeks to appeal 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 on the reasoning of the district court. United States v. Smith, Nos. CR-93-17-V; CA-01-114-2-5-V (W.D.N.C. filed July 24, 2001 & entered July 25, 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