

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7368

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

GEORGE THOMAS CABEL, a/k/a PY,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. William L. Osteen, District Judge. (CR-97-173, CA-00-809-1)

Submitted: December 20, 2001

Decided: January 2, 2002

Before LUTTIG, TRAXLER, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

George Thomas Cabel, Appellant Pro Se. Paul Alexander Weinman, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

George Thomas Cabel 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 accepting the recommendation of the magistrate judge 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. Cabel, Nos. CR-97-173; CA-00-809-1 (M.D.N.C. July 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

* To the extent that Cabel raises claims under Apprendi v. New Jersey, 530 U.S. 466 (2000), they are foreclosed by our decision in United States v. Sanders, 247 F.3d 139 (4th Cir. 2001).