

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-7469**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MERLIN WAYNE TURNER,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Graham C. Mullen, Chief District Judge. (CR-97-166-MU, CA-00-497-MU)

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Submitted: January 28, 2002

Decided: February 28, 2002

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Before WILKINS, TRAXLER, and KING, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Merlin Wayne Turner, Appellant Pro Se. Gretchen C.F. Shappert, 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Unpublished opinions are not binding precedent in this circuit.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:

Merlin Wayne Turner seeks to appeal the district court's order granting the Government's motion for summary judgment and 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. Turner, Nos. CR-97-166-MU; CA-00-497-MU (W.D.N.C. filed June 26, 2001 & entered June 29, 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

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\* Turner claims that counsel was ineffective for failing to inform him that he would be exposed to a mandatory ten-year term of supervised release. Because he failed to present this claim to the district court, we decline to address it. See Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993) (holding that claims raised for the first time on appeal will not be considered absent exceptional circumstances).