

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7538

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MICHAEL ANTHONY SMITH,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Alexander Williams, Jr., District Judge. (CR-98-252, CA-00-3771-AW)

Submitted: November 29, 2001

Decided: December 10, 2001

Before WIDENER, NIEMEYER, and WILLIAMS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Michael Anthony Smith, Appellant Pro Se. Barbara Suzanne Skalla, Assistant United States Attorney, Rod J. Rosenstein, OFFICE OF THE UNITED STATES ATTORNEY, Greenbelt, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Michael Anthony Smith seeks to appeal the district court's orders denying his motion filed under 28 U.S.C.A. § 2255 (West Supp. 2001) and his motion for a certificate of appealability. The district court's order denying Smith's § 2255 motion was entered on the docket on June 20, 2001, and we construe his August 20, 2001 motion for a certificate of appealability as a timely notice of appeal from that order. See Smith v. Barry, 502 U.S. 244, 248 (1992). Nonetheless, we have reviewed the record and the district court's opinions and orders denying Smith's § 2255 motion and motion for a certificate of appealability and find no reversible error.

Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. See United States v. Smith, Nos. CR-98-252; CA-00-3771-AW (D. Md. filed June 19, 2001, entered June 20, 2001; filed Aug. 27, 2001, entered Aug. 28, 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