

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-7541**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RAFAEL ANTONIO URENA,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (CR-99-395-A, CA-01-1159-AM)

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Submitted: December 11, 2001

Decided: January 11, 2002

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Before WILKINS, NIEMEYER, and KING, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Rafael Antonio Urena, Appellant Pro Se. William Neil Hammerstrom, Jr., OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Rafael Urena moved the district court to allow an untimely appeal from his plea of guilty to conspiracy to distribute heroin, in violation of 21 U.S.C.A. § 846 (West 1999), and resulting 151 month sentence. Urena asserts that his original appeal was dismissed because counsel failed to prosecute the appeal. In fact, this court granted the Government's motion to dismiss the appeal upon finding that Urena waived his right to appeal. United States v. Urena, No. 00-4307 (4th Cir. Order of October 10, 2000). As we conclude that the district court properly ruled on the motions before it, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. United States v. Urena, Nos. CR-99-395-A; CA-01-1159-AM (E.D. Va. Aug. 14, 2001). Urena also challenges the district court's denial of his motion to reconsider this order. We hold that the district court did not abuse its discretion in denying the motion to reconsider. We dispense with oral argument because the facts and legal contentions are adequately presented in the material before the court and argument would not aid the decisional process.

DISMISSED