

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7813

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

GREGORY ALLEN MILTON,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Samuel G. Wilson, Chief District Judge. (CR-95-74, CA-00-31-7)

Submitted: February 22, 2002

Decided: April 12, 2002

Before LUTTIG, TRAXLER, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Gregory Allen Milton, Appellant Pro Se. Thomas Jack Bondurant, Jr., Assistant United States Attorney, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Gregory Allen Milton seeks to appeal the district court's orders denying his motion filed under 28 U.S.C.A. § 2255 (West Supp. 2001), denying a subsequent motion for reconsideration, and denying his motion for a certificate of appealability.* We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we deny Milton's motion to place his appeal in abeyance, deny a certificate of appealability, and dismiss the appeal on the reasoning of the district court. See United States v. Milton, Nos. CA-95-74; CA-00-31-7 (W.D. Va. Aug. 1, 2001; Aug. 30, 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

* Milton appeals the denial of his motion for a certificate of appealability by a magistrate judge, correctly noting that the magistrate judge was without authority to enter a final order disposing of his motion. See 28 U.S.C.A. § 636 (West 1993 & Supp. 2001). While the magistrate judge lacked jurisdiction to enter a final order on this post-judgment motion, we find relief is not warranted, as we have considered Milton's motion for a certificate of appealability and determined it to be without merit. See Fed. R. App. P. 22(b)(2).