

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7948

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SCOTT FITZGERALD MILLER,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Spartanburg. Henry M. Herlong, Jr., District Judge. (CR-98-875)

Submitted: March 21, 2002

Decided: March 28, 2002

Before NIEMEYER, WILLIAMS, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Scott Fitzgerald Miller, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Scott Fitzgerald Miller appeals the district court's denial of his motion to modify terms of imprisonment. For the first time on appeal, Miller claims he received ineffective assistance of counsel because his attorney failed to object to an improper sentence enhancement. We will not consider this claim because Miller failed to show that any exceptional circumstances exist. Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993). Accordingly, we affirm on the reasoning of the district court. United States v. Miller, No. CR-98-875 (D.S.C. Oct. 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.

AFFIRMED