

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-8057

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

EDWARD ALLEN PINEIRO,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Charlottesville. James H. Michael, Jr., Senior District Judge. (CR-97-39, CA-00-341-7)

Submitted: May 9, 2002

Decided: May 29, 2002

Before TRAXLER and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Edward Allen Pineiro, Appellant Pro Se. Jean Barrett Hudson, OFFICE OF THE UNITED STATES ATTORNEY, Charlottesville, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Edward Allen Pineiro seeks to appeal the district court's order denying his motion for reconsideration of the denial of his "Motion to include New ruling addressing breach of plea agreement by non-fulfillment of promise." Our review of this case reveals that this claim previously was raised by Pineiro and rejected by this court in review of Pineiro's appeal of the denial of his motion filed under 28 U.S.C.A. § 2255 (West Supp. 2001), in United States v. Pineiro, No. 01-6981 (4th Cir. Dec. 18, 2001) (unpublished). Accordingly, we dismiss the appeal. 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