

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6260

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MARCUS PLATER,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Peter J. Messitte, District Judge. (CR-99-559, CA-01-1489)

Submitted: April 25, 2002

Decided: May 8, 2002

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

Dismissed by unpublished per curiam opinion.

Marcus Plater, Appellant Pro Se. Barbara Suzanne Skalla, Assistant United States Attorney, Greenbelt, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Marcus Plater seeks to appeal the district court's order denying his motion filed under 28 U.S.C.A. § 2255 (West Supp. 2001). We have reviewed the record and the district court's opinion and find no reversible error. To the extent that Plater challenges the constitutionality of 21 U.S.C.A. § 841(b) (West 1999 & Supp. 2001), this claim fails as we have upheld the constitutionality of § 841(b). United States v. McAllister, 272 F.3d 228 (4th Cir. 2001). Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. United States v. Plater, Nos. CR-99-559; CA-01-1489 (D. Md. Jan. 18, 2002). 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