

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-6370**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ERNEST MELVIN TUCKER, a/k/a Sonny Tucker,

Defendant - Appellant.

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Appeal from the United States District Court for the Northern District of West Virginia, at Martinsburg. Irene M. Keeley, Chief District Judge. (CR-95-11, CA-00-108-3)

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Submitted: July 2, 2002

Decided: July 15, 2002

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Before WIDENER, MICHAEL, and KING, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Ernest Melvin Tucker, Appellant Pro Se. Thomas Oliver Mucklow, Assistant United States Attorney, Martinsburg, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Ernest Melvin Tucker 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 accepting the recommendation of the magistrate judge and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. See United States v. Tucker, Nos. CR-95-11; CA-00-108-3 (N.D.W. Va. Jan. 28, 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