

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 02-6937**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SEAN DARRELL JOHNSON,

Defendant - Appellant.

---

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. William L. Osteen, District Judge. (CR-98-138, CA-01-300-1)

---

Submitted: September 5, 2002

Decided: September 11, 2002

---

Before MOTZ, KING, and GREGORY, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Sean Darrell Johnson, Appellant Pro Se. Michael Francis Joseph, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Sean Darrell Johnson seeks to appeal the district court's judgment adopting the magistrate judge's report and recommendation and denying his motion filed under 28 U.S.C. § 2255 (2000). We have reviewed the record and the district court's order and conclude on the reasoning of the district court that Johnson has not made a substantial showing of the denial of a constitutional right. See United States v. Johnson, Nos. CR-9-138; CA-01-300-1 (M.D.N.C. Mar. 28, 2002). Accordingly, we deny a certificate of appealability and dismiss the appeal. See 28 U.S.C. § 2253(c) (2000). 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