

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6986

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JULIAN DION KIRKLAND,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. William L. Osteen, District Judge. (CR-99-47, CA-01-1087-1)

Submitted: September 5, 2002

Decided: September 11, 2002

Before MOTZ, KING, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Julian Dion Kirkland, Appellant Pro Se. Steven Hale Levin, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Julian Dion Kirkland seeks to appeal the district court's order denying his motion filed under 28 U.S.C. § 2255 (2000). We have reviewed the record and the district court's opinion accepting the recommendation of the magistrate judge and conclude on the reasoning of the district court that Kirkland has not made a substantial showing of the denial of a constitutional right. See United States v. Kirkland, Nos. CR-99-47; CA-01-1087-1 (M.D.N.C. May 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