

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7447

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WILLIAM EUGENE WEBB, a/k/a James Thomas Webb,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. Frank W. Bullock, Jr., District Judge. (CR-99-373)

Submitted: January 16, 2002

Decided: January 23, 2003

Before WILLIAMS, KING, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

William Eugene Webb, 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Unpublished opinions are not binding precedent in this circuit.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:

William Eugene Webb appeals from the district court's order affirming the order of the magistrate judge denying his motion for production of a trial transcript at Government expense. Webb seeks the transcript to aid his preparation of a 28 U.S.C. § 2255 (2000) motion. However, as there is no § 2255 motion pending, Webb is not entitled to a free transcript. 28 U.S.C. § 753(f) (2000); see also United States v. Horvath, 157 F.3d 131, 132-33 (2nd Cir. 1998). The district court will examine the file and records of the case when the motion is filed. Rule 4(b), Rules Governing § 2255 Proceedings. Webb is not required to set forth his claims in great detail in filing the § 2255 motion. Rule 2(b), Rules Governing § 2255 Proceedings. Therefore, we affirm the order of the district court. 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.

AFFIRMED