

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 02-7659**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

GILBERTO NAPOLES-CARDENAS, a/k/a Gilberto  
Napoles, a/k/a Gilberto N. Cardenas, a/k/a  
Gilberto Cardenas-Napoles, a/k/a Gilberto  
Estrada, a/k/a Martin C. Estrada,

Defendant - Appellant.

---

Appeal from the United States District Court for the Middle  
District of North Carolina, at Durham. James A. Beaty, Jr.,  
District Judge. (CR-00-131, CA-01-528-1)

---

Submitted: February 20, 2003                      Decided: February 26, 2003

---

Before LUTTIG, MOTZ, and GREGORY, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

James Donald Cowan, Jr., SMITH MOORE, L.L.P., Greensboro, North  
Carolina, for Appellant. Arnold L. Husser, 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Unpublished opinions are not binding precedent in this circuit.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:

Gilbert Napoles-Cardenas seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on his motion filed under 28 U.S.C. § 2255 (2000). We have independently reviewed the record and conclude for the reasons stated by the district court that Napoles-Cardenas has not made a substantial showing of the denial of a constitutional right. See United States v. Napoles-Cardenas, Nos. CR-00-131; CA-01-528-1 (M.D.N.C. Oct. 18, 2002). Accordingly, we deny a certificate of appealability and dismiss the appeal. See 28 U.S.C. § 2253(c) (2000). We also deny Napoles-Cardenas' motion for appointment of counsel. 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