

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7712

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DAVID M. SCATES,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, District Judge. (CR-98-87, CA-01-750)

Submitted: January 30, 2003

Decided: February 5, 2003

Before WIDENER, NIEMEYER, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

David M. Scates, Appellant Pro Se. Stephen Wiley Miller, Noelle Dalrymple, OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

David M. Scates seeks to appeal the district court's order denying relief on his motion filed under 28 U.S.C. § 2255 (2000). We have reviewed the record and conclude for the reasons stated by the district court that Scates has not made a substantial showing of the denial of a constitutional right. See United States v. Scates, Nos. CR-98-87; CA-01-750 (E.D. Va. Oct. 29, 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