

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-7915**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KENNETH MAYNARD,

Defendant - Appellant.

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Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. Charles H. Haden II, District Judge. (CR-99-141)

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Submitted: May 15, 2003

Decided: June 5, 2003

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Before LUTTIG and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Kenneth Maynard, Appellant Pro Se. John J. Frail, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Kenneth N. Maynard appeals the district court's order denying his Fed. R. Civ. P. 60(b) motion and/or specific performance of Rule 11 contract. We have reviewed the record and the district court's order and find no reversible error. See Temkin v. Frederick County Comm'r, 945 F.2d 716, 723 (4th Cir. 1991). The ineffective assistance of counsel claim Maynard raises in his Rule 60(b) motion properly is brought pursuant to 28 U.S.C. § 2255 (2000), and he may not circumvent the procedural requirements of that statute by titling his pleading pursuant to Rule 60(b). Accordingly, we affirm the district court's denial of Maynard's Rule 60(b) motion and/or motion for specific performance of Rule 11 contract. 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