

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-6280**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LIAL DONNELL MCKOY, a/k/a Goo, a/k/a Lial Darnell Othetlo  
McKoy,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern  
District of North Carolina, at Raleigh. Louise W. Flanagan,  
District Judge. (5:09-cr-00259-FL-3; 5:12-cv-00548-FL)

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Submitted: March 12, 2015

Decided: March 16, 2015

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Before GREGORY, DIAZ, and HARRIS, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Lial Donnell McKoy, Appellant Pro Se. Shailika S. Kotiya, OFFICE  
OF THE UNITED STATES ATTORNEY, Jennifer P. May-Parker, Assistant  
United States Attorney, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lial Donnell McKoy appeals the district court's order dismissing his 28 U.S.C. § 2255 (2012) motion as untimely and as barred by the appellate waiver provision in his plea agreement. The district court granted a certificate of appealability as to its findings of timeliness and waiver. We held McKoy's appeal in abeyance pending decision in Whiteside v. United States, 775 F.3d 180 (4th Cir. 2014) (en banc). For the reasons that follow, we affirm.

We confine our review to the issues raised in the Appellant's brief. See 4th Cir. R. 34(b). Because McKoy's informal brief does not challenge the basis for the district court's disposition, he has forfeited appellate review of the court's order.\* Accordingly, we affirm the district court's judgment. We deny McKoy's motion for appointment of counsel. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

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\* In any event, our decision in Whiteside confirms the correctness of the district court's timeliness determination. See Whiteside, 775 F.3d at 183-87.