

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 95-6837**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DENNIS HOWELL SMITH,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. J. Calvitt Clarke, Jr., Senior District Judge. (CR-89-136-N, CA-95-361-2)

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Submitted: December 14, 1995

Decided: January 4, 1996

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Before ERVIN, Chief Judge, and WIDENER and WILKINS, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Dennis Howell Smith, Appellant Pro Se. Laura Marie Everhart, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals from the district court's order denying his 28 U.S.C. § 2255 (1988) motion. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. United States v. Smith, Nos. CR-89-136-N; CA-95-361-2 (E.D. Va. May 1, 1995). 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