

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-6279

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MARTINS IDUSUYI,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Herbert N. Maletz, Senior Judge, sitting by designation. (CR-92-284, CA-95-2403-MJG)

Submitted: July 23, 1996

Decided: July 31, 1996

Before WIDENER, NIEMEYER, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Martins Idusuyi, Appellant Pro Se. Lynne Ann Battaglia, United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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 motion pursuant to 28 U.S.C. § 2255 (1988), as amended by Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 110 Stat. 1217. We have reviewed the record and the district court's opinion and find no reversible error. To the extent Appellant's speedy trial claim relates to the original indictment on which he was never tried, we find that no speedy trial claim is applicable, nor did jeopardy attach. To the extent Appellant's speedy trial claim relates to the second indictment on which he was ultimately tried, we find the claim to be without merit. Accordingly, we affirm substantially on the reasoning of the district court. United States v. Idusuyi, Nos. CR-92-284; CA-95-2403-MJG (D. Md. Feb. 1, 1996). 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