

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-6715

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ALVIN B. TRUESDALE,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Robert D. Potter, Senior District Judge. (CR-92-34, CA-96-109)

Submitted: December 19, 1996 Decided: December 31, 1996

Before ERVIN and MOTZ, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed as modified by unpublished per curiam opinion.

Alvin B. Truesdale, Appellant Pro Se. Kenneth Davis Bell, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant seeks to appeal the district court's order denying his motion filed under 28 U.S.C. § 2255 (1994), amended by Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 110 Stat. 1214. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we grant a certificate of appealability and affirm on the reasoning of the district court. United States v. Truesdale, Nos. CR-92-34; CA-96-109 (W.D.N.C. Apr. 17, 1996). However, because the district court did not afford Appellant notice and an opportunity to be heard with respect to the imposition of the system of prefiling review, see In re Oliver, 682 F.2d 443, 446 (3d Cir. 1982), we modify the district court's order to strike the portion of the order conditioning Appellant's future filings in the District Court for the Western District of North Carolina upon his obtaining leave of court. We deny as meritless Appellant's motion for determination of status and 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 AS MODIFIED