

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-6867

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KENNETH WARRIX,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Huntington. Robert J. Staker, Senior District Judge. (CR-88-191, CA-96-93-3)

Submitted: October 31, 1997

Decided: December 3, 1997

Before HALL and MICHAEL, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Kenneth Warrix, Appellant Pro Se. Paul Thomas Farrell, Assistant United States Attorney, Huntington, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals the district court's order denying his motion filed under 28 U.S.C. § 2255 (1994) (current version at 28 U.S.C.A. § 2255 (West 1994 & Supp. 1997)). We have reviewed the record and the district court's opinion accepting the recommendation of the magistrate judge and find no reversible error. Accordingly, we affirm on the reasoning of the district court. United States v. Warrix, Nos. CR-88-191; CA-96-93-3 (S.D.W. Va. May 20, 1996). See Lindh v. Murphy, 521 U.S. ___, 1997 WL 338568 (U.S. June 23, 1997) (No. 96-6298). 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