

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-7011

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOHN DINO MARTIN,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Clarksburg. William M. Kidd, Senior District Judge. (CR-86-84-K, CA-96-73-5)

Submitted: October 29, 1996

Decided: December 13, 1996

Before WILKINS, WILLIAMS, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

John Dino Martin, Appellant Pro Se. Patrick Michael Flatley, Assistant United States Attorney, Wheeling, West Virginia, 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Unpublished opinions are not binding precedent in this circuit.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 filed pursuant to 28 U.S.C. § 2255 (1994), amended by Anti-terrorism 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 deny a certificate of appealability and dismiss on the reasoning of the district court. Martin v. United States , Nos. CR-86-84-K; CA-96-73-5 (N.D. W. Va. May 29, 1996). Appellant's motions for a certificate of probable cause and for appointment of counsel are denied. 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.

DISMISSED