

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-7735

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KEITH WILLIAM DEBLASIO,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. John R. Hargrove, Senior District Judge. (CR-90-355-HAR, CA-96-1577-HAR)

Submitted: December 30, 1997

Decided: February 4, 1998

Before WIDENER, MURNAGHAN, and HAMILTON, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Keith William DeBlasio, Appellant Pro Se. Jane F. Barrett, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Keith William DeBlasio appeals from the district court's denial of his 28 U.S.C.A. § 2255 (West 1995 & Supp. 1997) motion alleging ineffective assistance of counsel and sentencing errors. We deny a certificate of appealability and dismiss.

Because DeBlasio has served the entirety of his sentence, he is not entitled to relief under § 2255 absent a showing of adverse collateral consequences. See Courtney v. United States, 518 F.2d 514, 515 (4th Cir. 1975). DeBlasio attempts to demonstrate the existence of such a collateral consequence by asserting that, but for the alleged errors, he would have received a sentence of only six to twelve months and would not have been under supervised release when he engaged in additional criminal conduct. He continues that he then would not have received a sixteen-month sentence for his violation of terms of his supervised release.

We conclude that even if DeBlasio's allegations were true, he would still have been under supervised release from the original conviction when he committed subsequent crimes. We therefore find no collateral consequences and no reason to deviate from the general rule set forth in Courtney. Accordingly, we deny a certificate of appealability and dismiss the appeal.* We dispense with oral argument because the facts and legal contentions are adequately

* We also deny the motion to stay this appeal filed by DeBlasio's mother on his behalf.

presented in the materials before the court and argument would not aid the decisional process.

DISMISSED