

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-7820

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

BUTTON JACK RHODES,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. James C. Turk, District Judge. (CR-92-2, CA-95-1151-R)

Submitted: May 19, 1998

Decided: August 5, 1998

Before WIDENER and HAMILTON, Circuit Judges, and HALL, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Button Jack Rhodes, Appellant Pro Se. Ruth Elizabeth Plagenhoef, Assistant United States Attorney, Roanoke, 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Unpublished opinions are not binding precedent in this circuit.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. 1998)). We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. United States v. Rhodes, Nos. CR-92-2; CA-95-1151-R (W.D. Va. Oct. 29, 1996). See Lindh v. Murphy, 521 U.S. ____, 1997 WL 338568 (U.S. June 23, 1997) (No. 96-6298). Appellant has filed an application for a certificate of appealability and a motion to supplement that application. Because Appellant's § 2255 motion was filed prior to implementation of the Antiterrorism and Effective Death Penalty Act of 1996, a certificate of appealability is not required. Therefore, we deny Appellant's application for a certificate of appealability and the supplemental motion. 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