

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-6075

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DAVID REID DENNIS,

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-93-150-P, CA-96-216-3-P)

Submitted: April 29, 1998

Decided: May 13, 1998

Before MURNAGHAN, NIEMEYER, and WILLIAMS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

David Reid Dennis, Appellant Pro Se. Harry Thomas Church, Assistant 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Unpublished opinions are not binding precedent in this circuit.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.A. § 2255 (West 1994 & Supp. 1997). We have reviewed the record and the district court's opinion and find no reversible error. We find that the evidence supports Dennis's 18 U.S.C. § 924(c) (1994) conviction in light of Bailey v. United States, 516 U.S. 137, 148 (1995) (holding that clear examples of use include "brandishing, displaying, bartering, striking with, and most obviously, firing or attempt to fire a firearm"). Accordingly, we deny a certificate of appealability and dismiss the appeal substantially on the reasoning of the district court. United States v. Dennis, Nos. CR-93-150-P; CA-96-216-3-P (W.D.N.C. Dec. 11, 1996). 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