

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-6166**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ROWLAND BRIT WAMPLER,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Jackson L. Kiser, Senior District Judge. (CR-92-134-R, CA-96-186-R)

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Submitted: October 21, 1997

Decided: January 9, 1998

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Before WILKINS, LUTTIG, and MOTZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Rowland Brit Wampler, Appellant Pro Se. Ray B. Fitzgerald, Jr., OFFICE OF THE UNITED STATES ATTORNEY, Charlottesville, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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 and find no reversible error. Accordingly, we affirm substantially on the reasoning of the district court. United States v. Wampler, Nos. CR-92-134-R; CA-96-186-R (W.D. Va. Dec. 6, 1996). See Lindh v. Murphy, 117 S. Ct. 2059 (1997). We note that Appellant carried the firearm at issue, as carry is defined in United States v. Mitchell, 104 F.3d 649, 653 (4th Cir. 1997). We deny Appellant's motion for appointment of counsel, deny the government's motion to dismiss the appeal, and 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