

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-6306

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ANTHONY C. BROOKS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert R. Merhige, Jr., Senior District Judge. (CR-93-14, CA-95-787)

Submitted: March 26, 1998

Decided: April 6, 1998

Before WIDENER and MOTZ, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Anthony C. Brooks, Appellant Pro Se. Joan Elizabeth Evans, Assistant United States Attorney, Richmond, Virginia, 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Unpublished opinions are not binding precedent in this circuit.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). To the extent that Appellant raises issues for the first time on appeal, we decline to address the issues. See Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993). Regarding Appellant's claims that counsel was ineffective for failing to challenge the search of his apartment, in not preparing him to testify, for failing to object to the admission of his confession, in not objecting to prosecutorial misconduct, and for failing to correct his sentence, 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 the appeal on the reasoning of the district court. United States v. Brooks, Nos. CR-93-14; CA-95-787 (E.D. Va. Jan. 16, 1997). Additionally, we find that the nonconstitutional issue raised in Appellant's supplemental brief has been waived by the failure to raise the issue on direct appeal. See Stone v. Powell, 428 U.S. 465, 477 n.10 (1976); United States v. Emanuel, 869 F.2d 795, 796 (4th Cir. 1989).

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