

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-6428**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

HARRY T. HANLEY,

Defendant - Appellant.

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Appeal from the United States District Court for the Southern District of West Virginia, at Bluefield. Elizabeth V. Hallanan, Senior District Judge. (CR-91-66, CA-95-1052-1)

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Submitted: August 27, 1998

Decided: September 10, 1998

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Before NIEMEYER and HAMILTON, Circuit Judges, and BUTZNER, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Harry T. Hanley, Appellant Pro Se. John Castle Parr, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West 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Unpublished opinions are not binding precedent in this circuit.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 orders denying his motion filed under 28 U.S.C. § 2255 (1994) (current version at 28 U.S.C.A. § 2255 (West 1994 & Supp. 1998)) and denying his motion for reconsideration. We have reviewed the record and the district court's opinion accepting the recommendation of the magistrate judge and find no reversible error. Accordingly, we affirm on the reasoning of the district court. United States v. Hanley, Nos. CR-91-66; CA-95-1052-1 (S.D.W. Va. Mar. 14 & July 18, 1997). See Lindh v. Murphy, 521 U.S. \_\_\_, 1997 WL 338568 (U.S. June 23, 1997) (No. 96-6298). To the extent that Appellant raises the same claims as he raised in a prior § 2255 motion, those claims are procedurally defaulted. 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