

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-6890

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

EMERY ANTHONY BRADLEY,

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-91-34, CR-91-49, CA-97-215-P)

Submitted: November 6, 1997

Decided: November 25, 1997

Before WIDENER and LUTTIG, Circuit Judges, and BUTZNER, Senior Circuit Judge

Dismissed by unpublished per curiam opinion.

Emery Anthony Bradley, Appellant Pro Se. Kenneth Davis Bell, OFFICE OF THE 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Unpublished opinions are not binding precedent in this circuit.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 appeals from the district court's order dismissing his 28 U.S.C.A. § 2255 (West 1994 & Supp. 1997) motion without prejudice. Because a dismissal without prejudice is generally not appealable, we deny a certificate of appealability and dismiss the appeal. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). 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