

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-6937**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOHNEY FREEMAN, a/k/a Johnny Freeman, a/k/a  
Johnny, a/k/a Mr. J, a/k/a J,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Norfolk. J. Calvitt Clarke, Jr., Senior  
District Judge. (CR-88-76-N, CA-97-409)

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Submitted: June 30, 1998

Decided: August 27, 1998

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Before MURNAGHAN, LUTTIG, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Johney Freeman, Appellant Pro Se. Charles Dee Griffith, Jr.,  
OFFICE OF THE UNITED STATES ATTORNEY, Norfolk, Virginia, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.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. 1998). 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. Freeman, Nos. CR-88-76-N; CA-97-409 (E.D. Va. June 11, 1997). Our decision intimates nothing about the retroactivity of the one-year limitations imposed by the Antiterrorism and Effective Death Penalty Act of 1996, 28 U.S.C.A. § 2255 (West Supp. 1998), because Appellant filed this action over one year after the effective date of the statute. 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