

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-6954

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

LEE B. PHILLIPS,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Herbert N. Maletz, Senior Judge, sitting by designation. (CR-93-331, CA-96-1347-HNM)

Submitted: September 25, 1997

Decided: October 9, 1997

Before LUTTIG, MICHAEL, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Lee B. Phillips, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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 of ineffective assistance of counsel and prosecutorial misconduct that were raised in the district court, 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. Phillips, Nos. CR-93-331; CA-96-1347-HNM (D. Md. July 1, 1997). 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