

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7015

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DEREK MARQUIS FLEMING,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Richard C. Erwin, Senior District Judge. (CR-91-179-G, CA-97-49-2)

Submitted: June 30, 1998

Decided: July 20, 1998

Before MICHAEL and MOTZ, Circuit Judges, and HALL, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Derek Marquis Fleming, Appellant Pro Se. Paul Alexander Weinman, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant appeals the district court's orders (1) denying his motion to reconsider the court's dismissal without prejudice of his motion filed under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1998), and to amend his § 2255 motion to seek relief under 28 U.S.C. §§ 1651, 2241 (1994); (2) denying his motion to reconsider the denial of his motion to amend; and (3) denying his motions for bail and appointment of counsel. We have reviewed the record and the district court's opinions 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. Fleming, Nos. CR-91-179-G; CA-97-49-2 (M.D.N.C. Apr. 18, 1997; May 13, 1997; May 27, 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